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House of Representatives

The House met at 10 a.m.

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

Lord, with the ancient scripture, You advise the Members of Congress today. Wisdom from the book of Sirach may address personal values as well as national economics.

''Good and evil, life and death, poverty and wealth are all from the Lord.

''Wisdom and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.

''Error and vacuous darkness were formed in the sinner from the day of birth; and evil grows as the evildoer ages.

''But the Lord's gift remains with the just; blessing brings continual success.

''Someone may become rich through a miser's life, and this is all he has as off-counted reward.''

When he says, ''I can rest now; I need only feast on my possessions,'' he does not know how long it will be till he dies and leaves everything to others.

My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord and wait for His light. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Ms. KAPTUR led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

THE HUMANITARIAN DISASTER IN GAZA

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

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

There is a way out. We must ask those who were given our armaments for defense to stop the aggression and the blockade and the occupation and reconnect with the high sentiments that rallied their own suffering, wounded people of a nation generations ago.

When we recognize the humanitarian disaster in Gaza, when we come to grips with the reality of suffering on both sides, we may yet find a way to save ourselves.

''BANK ROBBERY?''

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

Mr. POE of Texas. Mr. Speaker, oh, how things have changed. Time was, when you borrowed money from a bank, the bank wanted to know what the money was going to be used for, and you were required to fill out a bunch of forms to receive that money.

Now the big banks have shown up, wanting $350 billion from the taxpayer. They won't tell us what they will use the money for, and they haven't filled out any paperwork to justify receiving more taxpayer money. You see, they don't want the same standards they require on borrowers to be applied to them when they want money.

It used to be the bad guys robbed the banks. Now it appears that the banks are the bad guys by putting a financial gun to the people, saying, ''Give us the loot or you're all going to die economically.''

It's like bank robbery in reverse. It seems like the big banking boys' gang is robbing the people. We call all of this nonsense a bailout, but bailouts have not helped stimulate the economy. Why don't we just say, ''No''? No more money to special interest groups. No more taxpayer money will be spent without accountability. No more spending money we don't have. We cannot spend, borrow and tax our way out of this economic calamity.

And that's just the way it is.

THE SECOND ROUND OF THE BAILOUT MISTAKE

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

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

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

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their constitutional responsibilities. I have a simple question:

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

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

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

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

HONORING THE LIFE OF ROY BOEHM

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

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

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

Lieutenant Commander Boehm enlisted in the Navy in 1941, and fought during World War II, Korea and Vietnam. In 1942, he participated in the Battle of Cape Esperance at Guadalcanal, one of the largest, all-surface sea engagements of World War II. In 1961, under orders from President Kennedy, Lieutenant Commander Boehm developed and launched the Navy's elite Sea, Air and Land forces unit known as the SEALs.

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

TARP REFORM

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

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

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

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

ALLEN HIGH SCHOOL FOOTBALL WINS CHAMPIONSHIP

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

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

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

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

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

There is a special story about this team. Each spring, the rising seniors pick a motto for the upcoming season. The players selected: Start strong. Finish strong.

Congratulations to the Allen Eagles. Way to finish strong. I salute you. God bless you, and God bless America.

Go Eagles!

Tom Westerberg, Head Coach, Asst. Athletic Director.

Terry Gambill, Asst. Head Coach, Defensive Coordinator.

Jeff Fleener, Offensive Coordinator.

Jeff Chaney, Special Teams Coordinator.

Mike Carter, Strength Coordinator.

BLOCK THE NEXT CONGRESSIONAL PAY RAISE

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

Mr. MITCHELL. Mr. Speaker, I rise to urge my colleagues to block the next scheduled congressional pay raise. At a time when the economy is forcing so many of the families we represent to tighten their belts, I believe this is the wrong time to be raising our own pay.

Last month, 524,000 Americans lost their jobs, bringing the unemployment rate to its highest since 1993. Since last year, jobless rates increased in 49 States and in the District of Columbia. In my home State of Arizona, unemployment rose by over 50 percent, leaving nearly 200,000 workers unemployed.

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

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

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

REJECT THE BAILOUT

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

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

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

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

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

MILITARY PERSONNEL

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

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

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

We have very important work ahead of us—strengthening the economy, restoring fiscal responsibility and standing up for the families who are working

every day to make a better life for the next generation.

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

Mr. Speaker, our military personnel and their families ask nothing more, and they deserve nothing less than the same level of care and devotion that they have shown our country. This is not a partisan issue. It is a basic American value, and it is a value I will champion every day as a Member of Congress.

□ 1015

A DIFFERENT STIMULUS

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legislation with a proven record of stimulating the economy and creating jobs.

Members of the Republican Study Committee have introduced the Economic Recovery and Middle-Class Tax Relief Act, legislation that is fiscally responsible and one that will stimulate job growth in the private sector rather than the Federal Government. This package includes tax relief for American families, businesses, and entrepreneurs. It allows businesses to expense the purchase of assets which will encourage growth and job creation.

This job does not threaten American families with hyper-inflation or saddle future generations with evermore debt with hundreds of billions of dollars in spending.

I encourage my colleagues on both sides of the aisle to consider these proposals. These are proposals that will address the economic downturn and will not demand government spending. We should remember that Jerry Bellune of the Lexington County Chronicle is correct: This is the people's money, not the government's.

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

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 62 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by.the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. A motion to proceed under section 115 of the Emergency Economic Stabilization Act of 2008—

(a) shall be in order only if offered by the Majority Leader or his designee; and

(b) may be offered even following the sixth day specified in subsection (d)(3) of such section but not later than the legislative day of January 22, 2009.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 62.

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

There was no objection.

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

Mr. Speaker, House Resolution 62 provides for further consideration of H.R. 384, the Troubled Assets Recovery Program Reform Act of 2009 under a structured rule. The rule makes in order the 11 amendments printed in the Rules Committee report, including a manager's amendment that incorporated many of the amendments submitted to the Rules Committee. All the amendments are debatable for 10 minutes except the manager's amendment, which is debatable for 40 minutes.

The rule also provides for a motion to recommit with or without instructions.

Finally, the rule contains a provision to preserve the House's ability to have a vote on the second $350 billion. The first TARP bill contained language providing for expedited consideration a disapproval resolution that provided for a vote not later than 6 days after the date Congress receives the report.

However, because President Bush sent the request to Congress on January 12, the 6th day would fall on a Sunday, a day that the House is not in session. Therefore, the ability to move to proceed would expire without giving the House an opportunity to act. The language in this rule assures that the House will have that opportunity.

Mr. Speaker, let me begin by saying that this is a good rule. Eleven amendments are made in order—five Republican and six Democratic. One of the Democratic amendments is the manager's amendment which incorporates parts or all of the 16 Democratic amendments and Republican amendments.

Mr. Speaker, as I discussed yesterday, this bill is about the way the TARP should be spent, but it does not actually allow or preclude the release of the second round of these funds.

Now, I know many of my colleagues are apprehensive about the release of these funds. I understand their concerns, and I share some of them. The Bush administration did not disburse the funds as many of us thought they promised. I believe that this bill that we are debating today and the amendments should alleviate many of these concerns.

I believe that providing a blueprint for how these funds should be spent is one of the most important actions this Congress will take. We know jump-starting our economy is a top priority of this new administration and of this Congress. But we have to do it right. We must ensure that the funding goes to the right places—to the homeowners who face foreclosure, in many cases at no fault of their own, and the small businesses who don't have access to funds for their payrolls simply because the credit market is so tight.

This bill, Mr. Speaker, attempts to get it right. Not only does this bill provide a blueprint on how this House believes these funds should be spent; it complements the roadmap already provided by President-elect Obama about how his administration would use these funds.

The January 12, 2009, letter from National Economic Adviser-designate Larry Summers details how the incoming Obama administration will allocate these funds, and I support these goals. But like I said yesterday, Mr. Speaker, we will trust the new administration, but we need to also verify.

This is a good bill that will be made better with the adoption of many of the amendments made in order under this rule. I support this rule, I support the underlying bill, and I urge my colleagues to support both the rule and the bill.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

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

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

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

Mr. MCGOVERN. I thank the gentleman.

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

Thank you.

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

Today actually, interestingly enough, Mr. Speaker, marks the first time, the first time in the 111th Congress—and we've gone through quite a bit of legislation in the last week—that we are not dealing with a completely closed rule. But this process has been so utterly flawed that this rule simply exposes just how far we have to go rather than standing out as a step in the right direction.

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

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

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

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

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

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

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

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

□ 1030

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

The housing industry has been at the center of our economic crisis from the beginning. It remains the core impediment to our economic recovery. As home prices have fallen and foreclosures have risen, the impact on working families has been enormous and the impact on our economy has been, as we all know, very widespread. By encouraging and enabling responsible home purchases, we can start to clear out the excess supply in the housing market. This will help to stabilize prices, prevent foreclosures, and put us back on a path to economic recovery.

Now, I don't believe that this proposal that I've outlined and have been talking about for the last couple of weeks is a panacea, but it is a targeted measure that would help to address a key economic challenge that we face.

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

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

With that, I reserve the balance of my time.

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

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

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

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

We put into the bill last fall some good oversight. The Government Accountability Office put out a report last year very critical of the failure to demand that the financial institutions that received funds make clear what they were doing with them, and particularly to show to what extent they were re-lending. That was because we put into the bill that the GAO would be there from the first day in their offices. We had a hearing with Mr. Kashkari, the Bush appointee to run the program, and the GAO to deal with it. We had a further hearing on this subject in the fall. We then had the long hearing that the gentleman from Massachusetts talked about earlier this week to go into this in great detail on Monday.

We have invited all Members as of Friday to submit amendments. A number of Members did so. In fact, I thank the Rules Committee; they have put 10 amendments in order—one was a duplicate, so 10 are in order, five from Republicans, five from Democrats. Of the Republican amendments, I intend to vote for two; I intend to vote against three. There were also amendments that we received from some Republicans that we agreed to put in the manager's amendment.

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

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

The second point is that this money, whether or not it is spent, will be in a separate vote. And the ranking Republican said yesterday, well, let's wait for them to tell us how they plan to spend it. No, I don't think we should do that. I think we should tell them how we want them to spend it and see if they agree. And we have been having conversations, and they do agree.

We are talking about subjects that have been very familiar to Members. We are here trying to remedy defects in the Bush administration's execution of this program—nothing for foreclosures, not enough for community banks, no restrictions on what the banks that receive the money use, tougher restrictions on compensation—though I know not everybody agrees with that. The Wall Street Journal Editorial Board—which I know represents the viewpoint of many on the Republican side—was very critical today because we are asking that money be used to reduce foreclosures; they say that's a waste of money. They were scoffing, the Wall Street Journal—and again, I think that editorial reflects some of the opposition we have here—they scoffed at the notion that we want community banks to get some of the money. And they said, how can you possibly want the money to go to nonfinancial institutions? I guess the Wall Street Journal wants to be the ''Wall-Street-Only Journal,'' and any effort to deal with small businesses or automobiles, that's somehow a profanation of the temple as far as they're concerned.

We have had serious discussions with the Obama administration. I believe it is important that we do two things: First of all, give the new President the right to spend the money; and, two, give him restrictions on how he spends it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume. And I would simply say to my colleague that we all recognize that there is a pressing need out there, and the issue of foreclosures is one that does need to be addressed. And I know that we had a discussion in the Rules Committee the night before last on the issue of—and this is prospective, as I had said earlier—but this notion of trying to encourage people, prospective homebuyers, to buy up that surplus of housing out there by incentivizing them to put a down payment. Now, I know that this is an issue that transcends what we're dealing with today—

Mr. FRANK of Massachusetts. Would the gentleman yield?

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

Mr. FRANK of Massachusetts. I think there is a lot to be said, but it is, of course, entirely outside the jurisdiction of the Financial Services Committee.

Mr. DREIER. Absolutely. If I could reclaim my time, I will say that I know that it is outside the jurisdiction of the Financial Services Committee, but I think it is very important for us to do everything that we can to look at a broad range of creative proposals to try and deal with this crisis.

And I am happy to further yield to my friend.

Mr. FRANK of Massachusetts. I thank the gentleman. And I agree with that. And housing has been at the center. I would note—and it's not directly relevant, and may, in fact, support this other proposal—but I would note that the homebuilders and the realtors strongly support the bill we are talking about today because they think it helps in other ways. It does not preempt what the gentleman from California is talking about, but those people who are most concerned with the housing industry support the bill and think it will be helpful.

Mr. DREIER. I understand that. And let me reclaim my time, Mr. Speaker, and say that even though it does not fall within the jurisdiction of the Financial Services Committee, this kind of proposal is something that I would like to work with my colleague on and others on as a way to deal with the challenge of this huge supply of housing that exists in my State of California and in other States as well. And the fact that, unfortunately, over the past several years we have seen a wide range of people treating homes that they have purchased like rental units because they put zero down and have very low interest payments, and so they're encouraged to walk away from it, our proposal here is one that is designed to ensure that people actually have a vested interest in that home.

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

Mr. MORAN of Kansas. I thank the gentleman from California for yielding.

I am here about a specific provision that was initially in the legislation that we are going to address today. In fact, I came to that realization over the weekend and I contacted the gentleman from Massachusetts (Mr. FRANK), who was kind enough to return my phone call this past weekend. And as a result of an effort by many in this Congress, this provision has been removed. And I am here to commend the gentleman from Massachusetts and my colleagues on the Rules Committee for making in order a manager's amendment that will eliminate a provision that denies the opportunity for those who receive funds under TARP from owning general aviation aircraft.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. MORAN of Kansas. I have very little time, but I would yield.

Mr. FRANK of Massachusetts. I just want to congratulate him and his fellow Kansans and others who brought this to our attention.

And let's make one thing clear; we recently read—I did—in the New York Times about smaller communities that have lost commercial air service. To tell a business which is located in a community that has lost commercial air service that it can never charter or buy a plane is really to invite them to leave those communities. So it is not simply the airline industry that's involved here, but it is economic fairness for small communities where businesses located there would have no other option if they aren't allowed to go to private aircraft.

Mr. MORAN of Kansas. Reclaiming my time. Again, I appreciate it for two reasons; a person who represents very rural America where air service is very limited, and someone who is from Kansas that represents the general aviation industry, which is very dominant. We are very appreciative of the fact that the provisions which would reduce employment in the aircraft industry and eliminate the opportunities for businesses to remain in rural America is stricken from this legislation in the manager's amendment.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.

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

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

transfers by regulation, and through other means.

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

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

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

Second, we want to encourage jobs in the commercial aircraft industry, both the manufacture and operation of those Boeing jets and United and American Airlines. And finally, because when the banks spend the money on ridiculous perks, whether it be extreme limos or extreme jets, that's money they can't lend to businesses in our districts.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to our very diligent former Rules Committee member, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I rise in opposition to this rule, which denies Members of this House an opportunity to have their amendments openly debated and given an up-or-down vote.

The amendment which I offered, which was not made in order, would have very simply prohibited any additional budget authority for the TARP program unless at least 30 percent of the final $350 billion tranche is used to assist smaller, local community financial institutions. The 30 percent floor reflects the fact that approximately 30 percent of our Nation's deposits are held in these institutions, some 7,000 of them across the country.

Mr. Speaker, without question, these smaller institutions are suffering on the front lines of a crisis that they did not create. However, they are uniquely positioned to help provide much-needed credit access to ordinary citizens looking to buy a car or buy a home or invest in a small business.

Allow me to give an example. With every dollar in new capital a community bank can raise, it will help facilitate an additional $7 to $10 of lending in their communities. So by guaranteeing an appropriate portion of TARP authority to community institutions, we can better ensure this capital will indeed be put to good use.

□ 1045

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

I ask my colleagues to oppose the rule.

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

Mr. DREIER. Will the gentleman yield so I might engage in a colloquy?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

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

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

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

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

Mr. MCGOVERN. The gentleman is correct.

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

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

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

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

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

Mr. DREIER. If the gentleman would yield, he's one term less senior than I.

Mr. BURTON of Indiana. All right.

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

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

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

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

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

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

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

back with tax cuts and to cut capital gains.

So I would like to end up by just saying let's be more concerned about spending around here. Let's really start thinking about it. It's the people's money. The taxpayers want accountability.

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

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

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

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

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation, but I didn't say that it was not related. The gentleman was talking about this bill as if today we're releasing this money.

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

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

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

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule.

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

This legislation, related as it is to the second half of the banking bailout that passed the Congress last fall, is the wrong approach. I opposed that legislation last fall both times it came up because I believe that economic freedom means the freedom to succeed and the freedom to fail. The decision that Congress made to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupted this basic truth. There were no easy answers at the time. But the American people deserved to know then and deserve to know now there are alternatives to massive government spending and bailouts.

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

Taxpayers should not be asked to pay another $350 billion for a bailout that could be disbursed far beyond the original authorization of this Congress to undetermined industries in ways that we have seen used already for the initial tranche of this bill. House Republicans believe that enough is enough. We believe, as most Americans do, that we cannot borrow and spend and bail our way back to a growing economy.

The real answer that House Republicans embrace, and I believe that it is an answer that most Americans embrace, is that it is time for us to put the American taxpayer first. It's time for us to say ''no'' to more bailouts, however well additionally supervised, no more bailouts, no more excessive government spending. It's time this Congress began to reduce the burden of taxes on working families, small businesses, and family farms and began to practice the kind of fiscal discipline that the American people expect.

So I rise today in opposition to this rule and the underlying bill. And however well-intentioned, I believe it is, in effect, only preamble to legislation that could come to this floor that would be the wrong decision for the American people. The American people want us to walk away from the politics of bailouts, and they want us to take this country in the direction where we're not releasing the power of the Treasury to solve our very real economic woes but we are passing the kind of tax relief that will release the resources, the genius, the courage, and the ingenuity of the American people. As President John F. Kennedy said, all ships will then rise on a rising tide.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

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

Mr. Speaker, I will say I have been waiting patiently for one of our colleagues; so I just want him to know that I made an attempt to yield time to him. His name will not be mentioned at this point for fear that anyone might think that he was being derelict in his duties. I'm sure he is very, very busy.

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

□ 1100

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

I think that the right thing for us is to actually spend the time and effort looking at creative solutions. At this moment, there is a hearing taking place among our Republican economic stimulus group. I was there earlier this morning. We have a couple of very thoughtful witnesses who I suspect are still testifying. The former Governor of Massachusetts and Presidential candidate, Mitt Romney; the former president and CEO of eBay, Meg Whitman,

were testifying just as I was leaving, and there are several other witnesses coming before this working group of which I am privileged to be a part.

There are lots of ideas that are coming to that hearing, not just from the witnesses, Mr. Speaker, but from the American people as well. Those are actually being voiced at that hearing.

So here we are, I believe, rushing ahead with legislation that is not going to become law and, quite possibly, allowing an additional $350 billion to be expended on this very, very troubled, troubled asset relief plan. I, for one, believe it is wrong for us to do it as we are doing it.

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

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

Mr. McGOVERN. Mr. Speaker, the Bush economic policies over the 8 years have been a failure. They have been a miserable failure. We have an incredibly high number of people who have lost their jobs. December marked the second highest number of foreclosures in the history of the United States of America. We have the highest deficit and the highest debt in the history of our country.

Unless we do something, something big and something bold, the economy will get worse. We have the worst economy since the Great Depression.

People don't want to hear anymore speeches. People don't want to hear anymore excuses. The people of this country don't want us to stand on the House floor and say we feel your pain.

What people want is action and people want smart, bold, big, effective action by this Congress. What we are doing here today is trying to put forward in blueprint so if, in fact, anymore money is going to be released as part of the TARP, that it is clear where that money will be spent. We are not content to just take the next administrations at their word.

We want to make it very clear where Congress stands. This is a chance for people to decide. If you are for foreclosure relief, then you should be supporting the bill that Chairman FRANK has put forward. If that's not important to you, then you can vote ''no.'' If you want accountability, then you should support this bill. If that's not important, then put it aside.

If you think that the United States House of Representatives should have a say in how this money is spent, then I think you should support this bill. If not, then fine. You don't have to support it.

Mr. DREIER. Will the gentleman yield?

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

Mr. DREIER. I thank my friend for yielding.

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

Mr. McGOVERN. I have no objection to that.

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

There was no objection.

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

Mr. McGOVERN. Why don't I reserve my final close and let you yield.

Mr. DREIER. Brilliant idea.

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

Mr. BILIRAKIS. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

I would like to remind our colleagues that Ronald Reagan was elected President the same day that Mr. FRANK and I were elected to serve in the House of Representatives. At that time we were dealing with double-digit unemployment, interest rates that were well into double digits and economic news that was, in fact, very, very dire.

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

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

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

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

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

Mr. FRANK of Massachusetts. Will the gentleman yield?

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

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

Mr. DREIER. Well, if I could reclaim my time, I would say that Ronald Reagan did not like a lot of that spending. Maybe he tolerated some of that spending, is what I might acknowledge.

But the fact is there was more spending than Ronald Reagan or any of the rest of us would have liked in the 1980s on a wide range of programs, but I did acknowledge the dramatic increase in defense spending. Again, this year, 2009, marks the 20th anniversary of the crumbling of the Berlin Wall and dramatic changes that took place in Asia, Africa, Europe that I think need to be realized that came from that very, very difficult economic challenge that Ronald Reagan inherited in 1981.

So I would say, Mr. Speaker, that I think it's important for us to use the kinds of solutions that worked in the early 1980s, if we can. All I am arguing, as we look at the debate on this rule and the underlying legislation that, we, unfortunately, are not turning to those very thoughtful time tested alternatives.

It's for that reason that I urge my colleagues to vote ''no'' on this rule and on the underlying legislation. I appreciate my colleagues allowing our friend from Florida to have the chance to speak.

I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I just want to close by saying that I appreciate the history lesson on Ronald Reagan and the Berlin Wall and all the other things that were mentioned.

But the harsh reality is that people are suffering. As we speak, people are losing their homes. The foreclosure numbers in December were the second highest, were the second highest in the history of this country. People need help now. We need to do something now.

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

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

Ms JACKSON-LEE of Texas. Thank you, Mr. Speaker, for affording me this opportunity to address H. Res. 62, the rule providing for consideration of H.R. 384, the TARP Reform and Accountability Act of 2009. I believe the rule can be supported by every Member of the House.

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

This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

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

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

□ 1113

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

The text of the bill is, as follows:

H.R. 384

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

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

TITLE II—FORECLOSURE RELIEF

Sec. 201. TARP foreclosure mitigation plan and implementation.

Sec. 202. Elements of plan.
Sec. 203. Program alternatives.
Sec. 204. Systematic foreclosure prevention and mortgage modification plan established.
Sec. 204. Modification of plan.
Sec. 205. Servicer safe harbor.
Sec. 206. Report by Congressional Oversight Panel.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

Sec. 301. Short title.
Sec. 302. Direct loan provisions.

TITLE IV—CLARIFICATION OF AUTHORITY

Sec. 401. Consumer loans.
Sec. 402. Municipal securities.
Sec. 403. Commercial real estate loans.

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

Sec. 501. Changes to HOPE for Homeowners Program.
Sec. 502. Funding of increased HOPE for Homeowners Program credit subsidy costs.

TITLE VI—HOME BUYER STIMULUS

Sec. 601. Home buyer stimulus program.

TITLE VII—FDIC PROVISIONS

Sec. 701. Permanent increase in deposit insurance.
Sec. 702. Extension of restoration plan period.
Sec. 703. Borrowing authority.
Sec. 704. Systemic risk special assessments.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

SEC. 101. NEW CONDITIONALITY FOR TARP-ASSISTED INSTITUTIONS.

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

''(e) REPORTING, MONITORING AND ACCOUNTABILITY.—

''(1) PERIODIC PUBLIC REPORTING ON USE OF ASSISTANCE.—The Secretary shall require any assisted institution that became an assisted institution on or after October 3, 2008, to publicly report, not less than quarterly, on such institution's use of the assistance .

''(2) ADDITIONAL REQUIREMENTS AND COMPLIANCE.—The Secretary—

''(A) may establish additional reporting and information requirements for any direct or indirect recipient of any assistance or benefit at any time on or after October 3, 2008, that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under this title; and

''(B) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available under this title.

''(3) CONSULTATION.—The Secretary shall consult with the appropriate Federal banking agencies in establishing the reporting requirements under this subsection that are applicable to insured depository institutions.

''(f) USE AND ACCOUNTABILITY FOR USE OF FUNDS.—

''(1) INSURED DEPOSITORY INSTITUTION.—

''(A) INVESTMENT IN OR OTHER INJECTION OF FUNDS INTO A DEPOSITORY INSTITUTION.—As a condition for the provision of any investment in the capital or assets of, or any other provision of assistance to or for the benefit of, any insured depository institution, the Secretary shall incorporate into the agreement for such investment or assistance an agreement between the depository institution and the appropriate Federal banking agency with respect to such institution on the manner in which the funds are to be used and benchmarks that the institution is required to meet in using the funding so as to advance the purposes of this Act to strengthen the soundness of the financial system and the availability of credit to the economy.

''(B) EXAMINATIONS.—In the case of any assisted insured depository institution that became an assisted institution on or after October 3, 2008, the appropriate Federal banking agency shall specifically review at least once annually the use, by the institution, of funds made available under this Act and compliance by the institution with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or the appropriate Federal banking agency, including executive compensation and any other specific agreement terms. Such review may be conducted in connection with the regular full-site examination, or any other examination.

''(C) COMPLIANCE PROCEDURES REQUIRED.—Each appropriate Federal banking agency shall prescribe regulations requiring assisted insured depository institutions to establish and maintain procedures designed to assure and monitor the compliance of such depository institutions with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or such agency.

''(2) USE OF TARP FUNDS FOR MERGERS OR ACQUISITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution at any time on or after October 3, 2008, may merge or consolidate with any insured depository institution or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any insured depository institution, and no Federal banking agency may approve any such action under section 18(c) of the Federal Deposit Insurance Act, while any of such assistance is outstanding unless, prior to the approval of such agency, the Secretary has determined in consultation with any relevant Federal banking agencies that—

''(A) such action will reduce risk to the taxpayer; or

''(B) the transaction could have been consummated without funds provided under this title.

''(3) NONDEPOSITORY INSTITUTIONS.—In the case of any assisted institution that became an assisted institution on or after October 3, 2008, and is not described in and subject to paragraph (1), the Secretary shall establish such reporting requirements and require any other conditions or agreements no less stringent than those applicable to assisted insured depository institutions, including requirements to conduct examinations of the books, affairs, and procedures of any such financial institution by the Secretary or by delegation to the Board.

''(g) NO IMPEDIMENT TO WITHDRAWAL.—Subject to consultation with the appropriate Federal banking agencies, the Secretary may permit an insured depository institution to repay any assistance previously provided under this title to such depository institution without regard to whether the depository institution has replaced such funds from any other source.''.

(b) DEFINITIONS.—Section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202) is amended by adding at the end the following new paragraphs:

''(10) DEFINITIONS RELATING TO INSURED DEPOSITORY INSTITUTIONS.—The terms 'depository institution', 'insured depository institution', 'Federal banking agency' and 'appropriate Federal banking agency' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(11) ASSISTED INSTITUTION.—The terms 'assisted institution' or 'assisted insured depository institution' means any such institution that receives, directly or indirectly, any assistance or benefit that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under title I.''.

SEC. 102. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) IN GENERAL.—Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended by adding at the end the following new subsections:

''(e) ACROSS-THE-BOARD EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE REQUIREMENTS.—

''(1) STANDARDS REQUIRED.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009 and notwithstanding any provision of, and in addition to any requirement of subsection (a), (b), or (c) (other than the definitions in subsection (b)(3)), the Secretary shall require any assisted institution to meet standards for executive compensation and corporate governance while any assistance under this title is outstanding.

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

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

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

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

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

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

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

''(4) APPLICABILITY TO PRIOR ASSISTANCE.—Notwithstanding any limitations included in subsection (a), (b), or (c) with regard to applicability, the Secretary may apply the requirements of and the standards established under this subsection to any assisted institution that received any assistance under this title on or after the date of the enactment of the TARP Reform and Accountability Act of 2009.

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

October 3, 2008, and any committees of such board of directors, while any assistance under this title is outstanding.''.

(b) REPEAL OF DE MINIMIS EXCEPTION.—Section 111(c) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(c)) is amended by striking ''and only where such purchases per financial institution in the aggregate exceed $300,000,000 (including direct purchases),''.

SEC. 103. NEW LENDING BY INSURED DEPOSITORY INSTITUTIONS THAT IS ATTRIBUTABLE TO TARP INVESTMENTS AND ASSISTANCE.

Section 7(a) of the Federal Deposit Insurance Act (U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

''(12) LENDING INCREASES ATTRIBUTABLE TO INVESTMENT OR OTHER ASSISTANCE UNDER THE TROUBLED ASSETS RELIEF PROGRAM.—

''(A) IN GENERAL.—Each report of condition filed pursuant to this subsection by an insured depository institution which received an investment or other assistance under the Troubled Assets Relief Program established by the Emergency Economic Stabilization Act of 2008 or section 136(d) of the Energy Independence and Security Act of 2007 shall report the amount of any increase in new lending in the period covered by such report (or the amount of any reduction in any decrease in new lending) that is attributable to such investment or assistance, to the extent possible.

''(B) ALTERNATIVE MEASURE.—If an insured depository institution that is subject to subparagraph (A) cannot accurately quantify the effect that an investment or other assistance under such Troubled Assets Relief Program has had on new lending by the institution, the insured depository institution shall report the total amount of the increase in new lending, if any, in the period covered by such report.

''(C) DESIGNATION OF REPORTING REQUIREMENT.—The Federal banking agencies and the Secretary of the Treasury shall specify the form, content, and manner of reports required under this paragraph.''.

SEC. 104. OTHER PROTECTIONS FOR THE TAXPAYER.

(a) WARRANT REQUIREMENTS.—Subsection (d) of section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) WARRANTS.—

''(A) IN GENERAL.—The Secretary may not provide any assistance under this title to any institution, unless the Secretary, receives from the institution—

''(i) in the case of an institution the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such institution, or voting stock, with respect to which the Secretary agrees not to exercise voting power, whichever the Secretary determines appropriate; or

''(ii) in the case of an institution other than one described in clause (i), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the Secretary) of such a warrant in the financial institution (in the case of a mutual association), holding company of the financial institution, or any company that controls a majority stake in the financial institution, whichever the Secretary determines appropriate.

''(B) AMOUNT.—

''(i) IN GENERAL.—The warrants or instruments described in subparagraph (A) with respect to an assisted institution shall have a value equal to 15 percent of the aggregate amount of all assistance provided to the institution under this title. Such warrants or instruments shall entitle the Government to purchase—

''(I) nonvoting common stock, up to a maximum amount of 15 percent of the issued and outstanding common stock of —

''(aa) the assisted institution; or

''(bb) in the case of an assisted institution, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the 'warrant common'); and

''(II) preferred stock having an aggregate liquidation preference equal to 15 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the 'warrant preferred').

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

''(I) the 15-day trailing average, as of 1 day prior to the date on which any commitment to provide assistance under this title was entered into, of the market price of the common stock of the assisted institution; or

''(II) in the case of an assisted institution, which is a mutual association or the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (I), as determined by the Secretary.

''(iii) TERMS OF PREFERRED STOCK WARRANT.—

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

''(II) REDEMPTION.—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.''.

(b) REPEAL OF CERTAIN EXCEPTION.—Section 113(d)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)(3)) is amended by striking subparagraph (A).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2553(d)) is amended by striking subparagraph (E).

SEC. 105. AVAILABILITY OF TARP FUNDS TO SMALLER COMMUNITY INSTITUTIONS.

(a) PROMPT ACTION.—The Secretary shall promptly take all necessary actions to make available funds under title I of the Emergency Economic Stabilization Act of 2008 to smaller community financial institutions.

(b) COMPARABLE TERMS.—If any institution becomes an assisted institution after the date of the enactment of this Act, such funding for depository institutions that—

(1) have submitted applications on which no action has been taken, such as institutions that are C corporations (including privately held institutions) and community development financial institutions; or

(2) are of a type for which the Secretary has not yet established an application deadline or for which any such deadline has not yet occurred as of the date of the enactment of this Act, such as institutions that are non-stock corporations, S-corporations, mutually-owned insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act),

shall receive such funding on terms comparable to the terms applicable to institutions that received funding prior to the date of the enactment of this Act.

(c) DEFINITIONS.—For purposes of this section, the terms ''S Corporation'' and ''C Corporation'' shall have the same meaning given to those terms in section 1361(a) of the Internal Revenue Code of 1986.

SEC. 106. INCREASE IN SIZE AND AUTHORITY OF FINANCIAL STABILITY OVERSIGHT BOARD.

(a) AUTHORITY.—Section 104 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) REVIEW AND DECISIONMAKING.—After conducting any review under this section of a policy determination made by the Secretary, the Financial Stability Oversight Board may overturn any such policy determination by a ⅔ vote of all members of such board.''.

(b) APPOINTMENT OF 3 ADDITIONAL MEMBERS.—Section 104(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and

''(7) 2 members appointed by the President, by and with the consent of the Senate, from among individuals who are not officers or employees of the United States Government.''.

SEC. 107. CLARIFICATION.

Section 101 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended by adding at the end the following new subsection:

''(f) CLARIFICATION.—Any provision of capital to, purchase of equity in, or assistance provided to any institution under this title shall be considered to be a purchase of troubled assets for purposes of this title.''.

TITLE II—FORECLOSURE RELIEF

SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.

(a) PLAN REQUIRED.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the ''Secretary'') pursuant to section 115(a)(3) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been developed by the Secretary and approved by the Financial Stability Oversight Board by such date.

(b) COMMITMENT OF RESOURCES.—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to $100,000,000,000, but in no case less than $40,000,000,000.

(c) IMPLEMENTATION REQUIRED.—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) by not later than April 1, 2009.

(d) CERTIFICATION.—If by May 1, 2009, the Secretary does not commit more than the minimum of $40,000,000,000 as required under subsection (b), the Secretary shall certify to the Congress, no later than May 15, 2009, the specific reasons that such additional funds have not been committed.

SEC. 202. ELEMENTS OF PLAN.

(a) REQUIRED ELEMENTS.—The comprehensive plan established pursuant to section 201(a) shall comply with the following requirements:

(1) OWNER-OCCUPIED RESIDENCES ONLY.—The programs implemented under the plan shall prevent and mitigate foreclosures specifically on owner-occupied residential properties.

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

(3) USE OF PROGRAM ALTERNATIVES.—The actions to be taken under the plan shall consist of one, or a combination of more than one, of the program alternatives set forth in section 203.

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

SEC. 203. PROGRAM ALTERNATIVES.

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

(1) SYSTEMATIC LOAN MODIFICATION PROGRAM.—The systematic foreclosure prevention and mortgage modification program under section 204.

(2) REDUCTION OF HOPE FOR HOMEOWNERS PROGRAM COSTS.—A program under which the Secretary—

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

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

(3) BUY-DOWN OF SECOND LIEN MORTGAGES.—A program under which the Secretary makes available to owners of owner-occupied residential properties a direct mortgage loan the proceeds of which shall be used only to reduce the outstanding debt of such owner under an existing second lien mortgage on such residential property, for the purpose of facilitating loan modification, subject to such reductions in the principal of such existing second lien mortgages as the Secretary may require.

(4) SERVICER INCENTIVES AND ASSISTANCE.—A program under which the Secretary may make payments to servicers who implement modifications to mortgages that result in mortgages that meet such requirements as the Secretary shall establish.

(5) LOAN PURCHASES.—A program under which the Secretary, or one or more entities that the Secretary, in consultation with the Secretary of Housing and Urban Development, enters into a contract with to carry out the program under this paragraph, which may include the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, purchases whole loans for the purpose of modifying or refinancing the loans.

SEC. 204. SYSTEMATIC FORECLOSURE PREVENTION AND MORTGAGE MODIFICATION PLAN ESTABLISHED.

(a) IN GENERAL.—The systematic foreclosure prevention and mortgage modification program under this section shall be a program established by the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, that—

(1) provides lenders and loan servicers with certain compensation to cover administrative costs for each loan modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified loan should subsequently re-default.

(b) PROGRAM ADMINISTRATION.—The Secretary, in consultation with the Secretary of Housing and Urban Development, may contract with one or more entities, including the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, to conduct the program activities required under the program under this section.

(c) PROGRAM COMPONENTS.—The program established under subsection (a) may include the following components:

(1) ELIGIBLE BORROWERS.—The program shall be limited to loans secured by owner-occupied properties.

(2) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage.

(3) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and audit, the Secretary shall prescribe a standardized net present value analysis for participating lenders and servicers comparing the expected net present value of modifying past due loans compared to the net present value of foreclosing on them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided based on a ratio of the borrower's mortgage-related expenses for the first priority mortgage-to-gross income specified by the Secretary.

(4) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—Participating lenders and servicers shall be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to offer modifications for all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in the program until such a systematic program was introduced.

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

(A) Reduction in interest rates and fees.

(B) Term or amortization extensions.

(C) Forbearance or forgiveness of principal.

(D) Other similar modifications.

(6) SIMPLIFIED LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program, the Secretary shall define appropriate measures for loss sharing or guarantees designed to reduce the risk and loss upon redefault of modified mortgages in order to provide adequate incentives to lenders, servicers, and investors to modify eligible mortgages and avoid unnecessary foreclosures. Interim modifications shall be allowed.

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

(8) 8 YEAR LIMIT ON LOSS SHARING PAYMENT.—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

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

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

(f) TROUBLED ASSETS.—The costs incurred by the Federal Government in carrying out the loan modification program established under this section shall be covered out of the funds made available to the Secretary of the Treasury under section 118 of the Emergency Economic Stabilization Act of 2008 or such other funds as may be available to the Secretary.

(g) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall submit a progress report to the Congress containing such findings and such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

SEC. 204. MODIFICATION OF PLAN.

(a) IN GENERAL.—If the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, determines at any time that modification of the comprehensive plan initially approved by the Board pursuant to section 201(a) (as such plan may subsequently have been modified pursuant to this section), or that modification of any component program element, is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosure mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

SEC. 205. SERVICER SAFE HARBOR.

(a) SAFE HARBOR.—

(1) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan with respect to any such mortgage that meets all of the criteria set forth in paragraph (2)(B) to—

(A) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(B) any person who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) any person that insures any loan or any interest referred to in subparagraph (A) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(2) ABILITY TO MODIFY MORTGAGES.—

(A) ABILITY.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer—

(i) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; and

(ii) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a

modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle,

if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

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

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

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

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

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

(b) LEGAL COSTS.—If an unsuccessful action is brought against a servicer by any person described in subparagraph (A), (B), or (C) of subsection (a)(1), such person shall bear any actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith in such action, as determined by the court.

(c) REPORTING.—Each servicer that engages in loan modifications or workout plans subject to the safe harbor in subsection (a) shall report to the Secretary on a regular basis regarding the extent, scope and results of the servicer's modification activities. The Secretary shall prescribe regulations specifying the form, content, and timing of such reports.

(d) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 206. REPORT BY CONGRESSIONAL OVERSIGHT PANEL.

The Congressional Oversight Panel established by section 125 of the Emergency Economic Stabilization Act of 2008 shall submit a report to the Congress, not later than July 1, 2009, regarding—

(1) the actions taken by the Secretary pursuant to this title;

(2) the impact and effectiveness of such actions on foreclosures on residential properties; and

(3) the effectiveness of such actions from the standpoint of minimizing costs to the taxpayers.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

SEC. 301. SHORT TITLE.

This title may be cited as the ''TARP Reform and Accountability Act of 2009''.

SEC. 302. DIRECT LOAN PROVISIONS.

(a) IN GENERAL.—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended by adding at the end the following:

''TITLE IV—AUTO INDUSTRY FINANCING AND RESTRUCTURING

''SEC. 401. PURPOSES.

''The purposes of this title are—

''(1) to clarify and confirm the authority and facilities to restore liquidity and stability to domestic vehicle manufacturers in the United States; and

''(2) to ensure that such authority and such facilities are used in a manner that—

''(A) results in a viable and competitive domestic automobile industry that minimizes adverse effects on the environment;

''(B) enhances the ability and the capacity of the domestic automobile industry to pursue the timely and aggressive production of energy-efficient advanced technology vehicles;

''(C) preserves and promotes the jobs of American workers employed directly by the domestic automobile industry and in related industries;

''(D) safeguards the ability of the domestic automobile industry to provide retirement and health care benefits for the industry's retirees and their dependents; and

''(E) stimulates manufacturing and sales of automobiles produced by automobile manufacturers in the United States.

''SEC. 402. PRESIDENTIAL DESIGNATION.

''(a) DESIGNATION.—The President shall designate one or more officers from the Executive Branch having appropriate expertise in such areas as economic stabilization, financial aid to commerce and industry, financial restructuring, energy efficiency, and environmental protection (who shall hereinafter in this title be collectively referred to as the 'President's designee') to carry out the purposes of this title, including the facilitation of restructuring necessary to achieve the long-term financial viability of domestic automobile manufacturers, who shall serve at the pleasure of the President.

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

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

''SEC. 403. BRIDGE FINANCING.

''(a) IN GENERAL.—The President's designee shall authorize and direct the disbursement of bridge loans or enter into commitments for lines of credit to each automobile manufacturer that submitted a plan to the Congress on December 2, 2008 (hereafter in this title referred to as an 'eligible automobile manufacturer'), and has submitted a request for such loan or commitment. Nothing in this section shall preclude the President's designee from authorizing and directing the disbursement of bridge loans or entering into commitments for lines of credit to other entities.

''(b) AMOUNT OF ASSISTANCE.—The President's designee shall authorize bridge loans or commitments for lines of credit to each eligible automobile manufacturer in an amount that is intended to facilitate the continued operations of the eligible automobile manufacturer and to prevent the failure of the eligible automobile manufacturer, consistent with the plan submitted on December 2, 2008, and subject to available funds.

''SEC. 404. RESTRUCTURING PROGRESS ASSESSMENT.

''(a) ESTABLISHMENT OF MEASURES FOR ASSESSING PROGRESS.—Not later than February 1, 2009, the President's designee shall determine appropriate measures for assessing the progress of each eligible automobile manufacturer toward transforming the plan submitted by such manufacturer to the Congress on December 2, 2008, into the restructuring plan to be submitted under section 405(b).

''(b) EVALUATION OF PROGRESS ON BASIS OF RESTRUCTURING PROGRESS ASSESSMENT MEASURES.—

''(1) IN GENERAL.—The President's designee shall evaluate the progress of each eligible automobile manufacturer toward the development of a restructuring plan, on the basis of the restructuring progress assessment measures established under this section for such manufacturer.

''(2) TIMING.—Each evaluation required under paragraph (1) for any eligible automobile manufacturer shall be conducted at the end of the 15-day period beginning on the date on which the restructuring progress assessment measures were established by the President's designee for such eligible automobile manufacturer.

''SEC. 405. SUBMISSION OF PLANS.

''(a) NEGOTIATED PLANS.—

''(1) FACILITATION.—

''(A) IN GENERAL.—Beginning on the date of any disbursement under the facility, the President's designee shall seek to facilitate agreement on any restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of an eligible automobile manufacturer, negotiated and agreed to by representatives of interested parties (in this title referred to as a 'negotiated plan') with respect to any eligible automobile manufacturer.

''(B) INTERESTED PARTIES.—For purposes of this section, the term 'interested party' shall be construed broadly so as to include all persons who have a direct financial interest in a particular automobile manufacturer, including—

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

''(ii) trade unions;

''(iii) creditors;

''(iv) suppliers;

''(v) automobile dealers; and

''(vi) shareholders.

''(2) ACTIONS OF THE PRESIDENT'S DESIGNEE.—

''(A) IN GENERAL.—For the purpose of achieving a negotiated plan, the President's designee may convene, chair, and conduct formal and informal meetings, discussions, and consultations, as appropriate, with interested parties of an eligible automobile manufacturer.

''(B) CLARIFICATION.—The Federal Advisory Committee Act shall not apply with respect to any of the activities conducted or taken by the President's designee pursuant to this title.

''(b) RESTRUCTURING PLAN.—Not later than March 31, 2009, each eligible automobile manufacturer shall submit to the President's designee a restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer (in this title referred to as the 'restructuring plan') in accordance with this section. The President's designee shall approve the restructuring plan if the President's designee determines that the plan will result in—

''(1) the repayment of all Government-provided financing, consistent with the terms specified in section 408, or otherwise agreed to;

''(2) the ability—

''(A) to comply with applicable fuel efficiency and emissions requirements;

''(B) to commence domestic manufacturing of advanced technology vehicles, as described in section 136 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17013); and

''(C) to produce new and existing products and capacity;

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

''(4) the ability to rationalize costs, capitalization, and capacity with respect to the manufacturing workforce, suppliers, and dealerships of the eligible automobile manufacturer;

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

''(6) a product mix and cost structure that is competitive in the marketplace.

''(c) EXTENSION OF NEGOTIATIONS AND PLAN DEADLINE.—Notwithstanding the time limitations in subsection (b), the President's designee, upon making a determination that the interested parties are negotiating in good faith, are making significant progress, and that an additional period of time would likely facilitate agreement on a negotiated plan, and upon notification of the Congress, may extend for not longer than 30 additional days the negotiation period under subsection (b).

''SEC. 406. FINANCING FOR RESTRUCTURING.

''Upon approval by the President's designee of a restructuring plan, the President's designee may provide financial assistance to an eligible automobile manufacturer to implement the restructuring plan.

''SEC. 407. DISAPPROVAL AND CALL OF LOAN.

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

''SEC. 408. TERMS AND CONDITIONS.

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

''(b) NO PREPAYMENT PENALTY.—A loan made under this title shall be prepayable without penalty at any time.

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

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

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

''(d) OVERSIGHT OF TRANSACTIONS AND FINANCIAL CONDITION.—

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

''(A) any asset sale, investment, contract, commitment, or other transaction proposed to be entered into by such eligible automobile manufacturer that has a value in excess of $100,000,000; and

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

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

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

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

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

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

''(1) an evaluation by the President's designee under section 404(b) demonstrates that the eligible automobile manufacturer which received the financial assistance has failed to make adequate progress towards meeting the restructuring progress assessment measures established by the President's designee under section 404(a) with respect to such recipient;

''(2) after March 31, 2009, the eligible automobile manufacturer which received the financial assistance fails to submit an acceptable restructuring plan under section 405(b), or fails to comply with any conditions or requirement applicable under this title or applicable fuel efficiency and emissions requirements; or

''(3) after a restructuring plan of an eligible automobile manufacturer has been approved by the President's designee, the auto manufacturer fails to make adequate progress in the implementation of the plan, as determined by the President's designee,

the repayment of any loan may be accelerated to such earlier date or dates as the President's designee may determine and any other financial assistance may be cancelled by the President's designee.

''SEC. 409. TAXPAYER PROTECTION.

''(a) WARRANTS.—

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

''(A) in the case of an eligible automobile manufacturer, the securities of which are traded on a national securities exchange, a warrant giving the right to the President's designee to receive nonvoting common stock or preferred stock in such eligible automobile manufacturer, or voting stock, with respect to which the President's designee agrees not to exercise voting power, whichever the President's designee determines appropriate; or

''(B) in the case of an eligible automobile manufacturer other than one described in subparagraph (A), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the President's designee) of such a warrant in the holding company of the eligible automobile manufacturer, or any company that controls a majority stake in the eligible automobile manufacturer, whichever the President's designee determines appropriate.

''(2) AMOUNT.—

''(A) IN GENERAL.—The warrants or instruments described in paragraph (1) shall have a value equal to 20 percent of the aggregate amount of all loans provided to the eligible automobile manufacturer under this title. Such warrants or instruments shall entitle the Government to purchase—

''(i) nonvoting common stock, up to a maximum amount of 20 percent of the issued and outstanding common stock of—

''(I) the eligible automobile manufacturer; or

''(II) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the 'warrant common'); and

''(ii) preferred stock having an aggregate liquidation preference equal to 20 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the 'warrant preferred').

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

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

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

''(C) TERMS OF PREFERRED STOCK WARRANT.—

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

''(ii) REDEMPTION.—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.

''(iii) OTHER TERMS AND CONDITIONS.—Other terms and conditions of the warrant preferred shall be determined by the President's designee to protect the interests of taxpayers.

''(3) APPLICATION OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this section, the requirements for the purchase of warrants under section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) shall apply to any warrant or instrument described in paragraph (1), including the antidilution protection provisions therein.

''(b) EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.—

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

''(A) the standards established by the President's designee under paragraph (2); and

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

''(2) STANDARDS REQUIRED.—The President's designee shall require any eligible automobile manufacturer which received any financial assistance under this title to meet appropriate standards for executive compensation and corporate governance.

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

''(A) limits on compensation that exclude incentives for senior executive officers of an eligible automobile manufacturer which received assistance under this title to take unnecessary and excessive risks that threaten the value of such manufacturer during the period that the loan is outstanding;

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

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

''(D) a prohibition on such automobile manufacturer paying or accruing any bonus or incentive compensation during the period that the loan is outstanding to the 25 most highly-compensated employees; and

''(E) a prohibition on any compensation plan that would encourage manipulation of such automobile manufacturer's reported earnings to enhance the compensation of any of its employees.

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

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

''(A) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' means an individual who is one of the top five most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

''(B) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment' means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

''(c) PROHIBITION ON PAYMENT OF DIVIDENDS.—Except with respect to obligations owed pursuant to law to any nonaffiliated party or any existing contract with any nonaffiliated party in effect as of December 2, 2008, no dividends or distributions of any kind, or the economic equivalent thereof (as determined by the President's designee), may be paid by any eligible automobile manufacturer which receives financial assistance under this title, or any holding company or company that controls a majority stake in the eligible automobile manufacturer, while such financial assistance is outstanding.

''(d) OTHER INTERESTS SUBORDINATED.—

''(1) IN GENERAL.—In the case of an eligible automobile manufacturer which received a loan under this title, to the extent permitted by the terms of any obligation, liability, or debt of the eligible automobile manufacturer in effect as of December 2, 2008, any other obligation of such eligible automobile manufacturer shall be subordinate to such loan, and such loan shall be senior and prior to all obligations, liabilities, and debts of the eligible automobile manufacturer, and such eligible automobile manufacturer shall provide to the Government, all available security and collateral against which the loans under this title shall be secured.

''(2) APPLICABILITY IN CERTAIN CASES.—In the case of an eligible automobile manufacturer referred to in paragraph (1), the securities of which are not traded on a national securities exchange, a loan under this title to the eligible automobile manufacturer shall—

''(A) be treated as a loan to any holding company of, or company that controls a majority stake in, the eligible automobile manufacturer; and

''(B) be senior and prior to all obligations, liabilities, and debts of any such holding company or company that controls a majority stake in the eligible automobile manufacturer.

''(e) ADDITIONAL TAXPAYER PROTECTIONS.—

''(1) DISCHARGE.—A discharge under title 11, United States Code, shall not discharge an eligible automobile manufacturer, or any successor in interest thereto, from any debt for financial assistance received pursuant to this title.

''(2) EXEMPTION.—Any financial assistance provided to an eligible automobile manufacturer under this title shall be exempt from the automatic stay established by section 362 of title 11, United States Code.

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

"SEC. 410. OVERSIGHT AND AUDITS.

''(a) COMPTROLLER GENERAL OVERSIGHT.—

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

''(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

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

''(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the President's designee, at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

''(3) REPORTING.—The Comptroller General shall submit reports of findings under this section to Congress, regularly and not less frequently than once every 60 days. The Comptroller General may also submit special reports under this subsection, as warranted by the findings of its oversight activities.

''(b) SPECIAL INSPECTOR GENERAL.—It shall be the duty of the Special Inspector General established under section 121 of Public Law 110–343 to conduct, supervise, and coordinate audits and investigations of the President's designee in addition to the duties of the Special Inspector General under such section and for such purposes. The Special Inspector General shall also have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978, including section 6 of such Act. In the event that the Office of the Special Inspector General is terminated, the Inspector General of the Department of the Treasury shall assume the responsibilities of the Special Inspector General under this subsection.

''(c) ACCESS TO RECORDS OF BORROWERS BY GAO.—Notwithstanding any other provision of law, during the period in which any financial assistance provided under this title is outstanding, the Comptroller General of the United States shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the eligible automobile manufacturer, and any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such eligible automobile manufacturer (collectively referred to in this section as 'related entities'), and to any officer, director, or other agent or representative of the eligible automobile manufacturer and its related entities, at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

"SEC. 411. REPORTING AND MONITORING.

''(a) REPORTING ON CONSUMMATION OF LOANS.—The President's designee shall submit a report to the Congress on each bridge loan made under this title not later than 5 days after the date of the consummation of such loan.

''(b) REPORTING ON RESTRUCTURING PROGRESS ASSESSMENT MEASURES.—The President's designee shall submit a report to the Congress on the restructuring progress assessment measures established for each manufacturer under section 404(a) not later than 10 days after establishing the restructuring progress assessment measures.

''(c) REPORTING ON EVALUATIONS.—The President's designee shall submit a report to the Congress containing the detailed findings and conclusions of the President's designee in connection with the evaluation of an eligible automobile manufacturer under section 404(b).

''(d) REPORTING ON CONSEQUENCES FOR FAILURE TO COMPLY.—The President's designee shall submit a report to the Congress on the exercise of a right under section 408(e) to accelerate indebtedness of an eligible automobile manufacturer under this title or to cancel any other financial assistance provided to such eligible automobile manufacturer, and the facts and circumstances on which such exercise was based, before the end of the 10-day period beginning on the date of the exercise of the right.

''(e) MONITORING.—The President's designee shall monitor the use of loan funds received by eligible automobile manufacturers under this title, and shall report to Congress once every 90 days (beginning 30 days after the date of enactment of this title) on the progress of the ability of the recipient of the loan to continue operations and proceed with restructuring processes that restore the financial viability of the recipient and promote environmental sustainability.

"SEC. 412. REPORT TO CONGRESS ON LACK OF PROGRESS TOWARD ACHIEVING AN ACCEPTABLE NEGOTIATED PLAN.

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

the completion of a negotiated plan required under section 405.

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

''SEC. 413. SUBMISSION OF PLAN TO CONGRESS BY THE PRESIDENT'S DESIGNEE.

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

''SEC. 414. COORDINATION WITH OTHER LAWS.

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

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

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

''(b) ANTITRUST PROVISIONS.—

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

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

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

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

''(5) SUNSET.—Paragraph (1) shall apply only with respect to meetings, discussions, or consultations that occur within the 3-year period beginning on the date of the enactment of this title.

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

''(A) has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that such section 5 applies to unfair methods of competition; and

''(B) includes any provision of State law that is similar to the laws referred to in subparagraph (A).

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

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

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

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

TITLE IV—CLARIFICATION OF AUTHORITY

SEC. 401. CONSUMER LOANS.

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

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

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

SEC. 402. MUNICIPAL SECURITIES.

Section 103 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211) is amended by inserting after subsection (f) (as added by section 401 of this title) the following new subsection:

''(g) CLARIFICATION OF AUTHORITY REGARDING MUNICIPAL SECURITIES.—

''(1) CLARIFICATION.—The authority of the Secretary to take any action under this title includes the authority to provide support to State and local governments, and other issuers of municipal securities, which are having difficulty accessing appropriate financing in the capital markets. Such support includes the direct purchase of municipal securities and providing credit enhancement in connection with municipal securities whose purchase is financed under any facility provided by the Board or any Federal reserve bank.

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

SEC. 403. COMMERCIAL REAL ESTATE LOANS.

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

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

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

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

SEC. 501. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

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

(1) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2)(B), by striking ''90 percent'' and inserting ''93 percent'';

(C) by striking paragraph (7);

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

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

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

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

''(i) ANNUAL PREMIUMS.—

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

''(2) REDUCTION OR TERMINATION DURING MORTGAGE TERM.—Notwithstanding paragraph (1), the Secretary may provide that the annual premiums charged for refinanced eligible mortgages insured under this section are reduced over the term of the mortgage or that the collection of such premiums is discontinued at some time during the term of the mortgage, in a manner that is consistent with policies for such reduction or discontinuation of annual premiums charged for mortgages in accordance with section 203(c).'';

(4) in subsection (k)—

(A) by striking the subsection heading and inserting ''EXIT FEE'';

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

(C) by striking paragraph (2);

(5) in subsection (s)(3)(A)(ii), by striking ''subsection (e)(1)(B) and such other'' and inserting ''such'';

(6) in subsection (v), by inserting after the period at the end the following: ''The Board shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.'';

(7) in subsection (w)(1)(C), by striking ''(e)(4)(A)'' and inserting ''(e)(3)(A)''; and

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

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

SEC. 502. FUNDING OF INCREASED HOPE FOR HOMEOWNERS PROGRAM CREDIT SUBSIDY COSTS.

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

''(y) FUNDING OF CREDIT SUBSIDY COSTS OF 2009 AMENDMENTS.—Notwithstanding section

1338(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4568(b)) and subsection (w) of this section—

''(1) to the extent amounts are available to the Secretary of the Treasury pursuant to section 118 of the Emergency Economic Stabilization Act of 2008, the Secretary shall use such amounts to cover any increase in the net costs to the Federal Government of the HOPE for Homeowners program under this section resulting from the amendments made by title V of the TARP Reform and Accountability Act of 2009, and actions authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and

''(2) any remaining net costs to the Federal Government of the HOPE for Homeowners program under this section not resulting from the amendments made under this title shall be paid, and the Secretary of the Treasury shall be reimbursed for such costs, in accordance with the provisions of such section 1338 and subsection (w) of this section.''.

TITLE VI—HOME BUYER STIMULUS

SEC. 601. HOME BUYER STIMULUS PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury (in this title referred to as the ''Secretary'') shall carry out a program using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008 to stimulate demand for home purchases and reduce unsold inventories of residential properties, which shall include ensuring the availability of affordable interest rates on mortgages made for the purchase, by qualified home buyers, of 1- to 4-family residential properties.

(b) PURCHASE OBLIGATIONS AND SECURITIES USING HERA AUTHORITY.—The Secretary shall execute the program under this section through the purchase of obligations and other securities issued by—

(1) the Federal National Mortgage Association, pursuant to the authority under section 304(g) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)),

(2) the Federal Home Loan Mortgage Corporation, pursuant to the authority under section 304(l) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)), and

(3) any Federal Home Loan Bank, pursuant to the authority under section 11(l) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)),

as added by section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289).

(c) USE OF LOAN ORIGINATORS AND PORTFOLIO LENDERS.—The program under this section shall provide mechanisms to ensure availability of such mortgages for home purchase having affordable interest rates through financial institutions that act as loan originators or as portfolio lenders.

(d) AVAILABILITY OF AFFORDABLE LOANS UNDER HOPE FOR HOMEOWNERS PROGRAM.—The Secretary, in consultation with the Secretary of Housing and Urban Development, shall ensure that the affordable interest rates made available through the program under this section are made available in connection with mortgages made for refinancing eligible mortgages, as such term is defined in section 257 of the National Housing Act (12 U.S.C. 1715z–23), to be insured under the HOPE for Homeowners Program under such section.

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

TITLE VII—FDIC PROVISIONS

SEC. 701. PERMANENT INCREASE IN DEPOSIT INSURANCE.

(a) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (1)(E), by striking ''$100,000'' and inserting ''$250,000''

(2) in paragraph (1)(F)(i), by striking ''2010'' and inserting ''2015'';

(3) in subclause (I) of paragraph (1)(F)(i), by striking ''$100,000'' and inserting ''$250,000'';

(4) in subclause (II) of paragraph (1)(F)(i), by striking ''the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005'' and inserting ''calendar year 2008''; and

(5) in paragraph (3)(A)(iii), by striking '', except that $250,000 shall be substituted for $100,000 wherever such term appears in such paragraph''.

(b) REPEAL OF EESA PROVISION.—Section 136 of the Emergency Economic Stabilization Act (Public Law 110–343; 122 Stat. 3765) is hereby repealed.

(c) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k) is amended—

(1) in paragraph (3)—

(A) by striking the opening quotation mark before ''$250,000'';

(B) by striking '', except that $250,000 shall be substituted for $100,000 wherever such term appears in such section''; and

(C) by striking the closing quotation mark after the closing parenthesis; and

(2) in paragraph (5), by striking ''$100,000'' and inserting ''$250,000'';

SEC. 702. EXTENSION OF RESTORATION PLAN PERIOD.

Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking ''5-year period'' and inserting ''8-year period''.

SEC. 703. BORROWING AUTHORITY.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1814(a)) is amended—

(1) by striking ''$30,000,000,000'' and inserting ''$100,000,000,000''; and

(2) by inserting prior to the last sentence, the following new sentence: ''The Corporation may request in writing to borrow, and the Secretary may authorize and approve the borrowing of, additional amounts above $100,000,000,000 to the extent that the Board of Directors and the Secretary determine such borrowing to be necessary.''.

SEC. 704. SYSTEMIC RISK SPECIAL ASSESSMENTS.

Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

''(ii) REPAYMENT OF LOSS.—

''(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

''(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

''(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions; the effects on the industry; and such other factors as the Corporation deems appropriate.''.

Mr. DAVIS of Illinois. Mr. Chair, I rise in strong support of the TARP Reform and Accountability Act. This bill greatly strengthens the safeguards for using taxpayer dollars for the TARP program. Two provisions promise to provide critical aid to Chicago. Requiring the Treasury to direct $100 billion to foreclosure mitigation provides hope to the hundreds of thousands of Chicagoans and families across the Nation who are struggling with foreclosure. Moreover, directing the Treasury to use TARP funds to benefit small financial institutions will help strengthen these financial institutions that play such an important role in Chicago. Hundreds of community banks in Chicago are teetering on collapse. These companies provide important support to small businesses and minorities, and, as of yet, they have not received aid from the Treasury.

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

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

Given these circumstances, we hope the Treasury and Federal Reserve will construct its student loan plan carefully to mitigate against adverse consequences for private student loan borrowers, especially in light of current economic conditions. Should taxpayer money be used to support private student lenders of non-federal loans, we strongly urge that the Treasury and Federal Reserve require consumer protections similar to those afforded to Federal student loans as a condition of receipt of Federal rescue funds. Federal student loans have consumer protections; private student loans subsidized by the Treasury-Fed plan should have such protections as well. Further, we recommend instituting steps to assess the underwriting standards of lenders who seek Federal relief to determine if the

lenders extended credit to particularly vulnerable consumers and whether credit was extended with onerous terms or conditions. Similar to the executive compensation restrictions of the Treasury-Fed plan, these restrictions would help focus Federal dollars on stimulating lending while protecting taxpayers and borrowers.

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

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

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

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

This bill strengthens accountability and oversight measures, so that we can get necessary loans flowing again to families and businesses. It requires detailed reports from recipients of TARP funds and ensures that those funds un-thaw credit. It provides even stronger limits on executive compensation, so that taxpayers can be sure their money is not funding million-dollar Park Avenue apartments for CEOs. It clarifies the Treasury Department's authority to use TARP funds to benefit small financial institutions, auto companies, consumers, and municipalities. And it insists that Treasury immediately commit $100 billion to fight foreclosures and help Americans keep their homes.

President-elect Obama has promised that "we are going to fundamentally change some of the practices in using this next phase of the program." I agree wholeheartedly, and this bill is a strong first step toward that change. But I also want to make clear that the same high standards of oversight ought to apply to any administration, Republican or Democratic. TARP funds must be watched with the same diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs into twelve digits, and when the stakes are so high?

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

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

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

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

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

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

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

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

"Chairman FRANK, I am very concerned the money we are authorizing for the TARP program will not make it to the American people and will not be used for what we are intending it to be used for. We need to get money to people for (1) to end the foreclosures, of which thousands a day are happening all over the country, (2) auto loans—people can't get credit to buy a car and (3) school loans—the banks are calling in the notes, prohibiting our young people from getting an education.

The American people need this money.

What protections have you included in the bill to ensure this happens?"

Second, I have a question regarding the reappraisal of real estate collateral that is affecting the home builders in our country. I have an amendment in front of the rules committee which would permit lenders to extend or modify loan terms for home builders, so they could continue to pay interest without forcing them to pay large sums to the principal while in this economic crisis.

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

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

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

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

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

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

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

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

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

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111–3. Each

amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 3, line 16, after the period insert the following: ''Such reporting may be required directly for nondepository institutions or through the appropriate Federal banking agency, as provided in section 103.''.

Page 4, line 15, strike ''As'' and insert ''Except as provided in section 105, as''.

Page 4, line 18, before the second comma insert ''made after the date of the enactment of the TARP Reform and Accountability Act of 2009''.

Page 5, line 1, strike ''funding'' and insert ''assistance''.

Page 5, line 10, strike ''funds'' and insert ''assistance''.

Page 6, line 23, strike ''funds'' and insert ''assistance''.

Page 7, after line 11, insert the following:

(4) RENTER PROTECTION.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit made under a contract entered into after the date of the enactment of this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A).

(5) BONA FIDE LEASE OR TENANCY.—For purposes of this paragraph (1), a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

Page 7, line 14, strike ''may permit an'' and insert ''shall permit an assisted''.

Page 7, line 18, before the first period insert the following: '', and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price''.

Page 8, line 6, strike ''means'' and insert ''mean''.

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

''(1) STANDARDS REQUIRED.—Notwithstanding any''.

Page 8, line 25, strike ''assisted institution'' and insert ''institution that became an assisted institution after the date of the enactment of the TARP Reform and Accountability Act of 2009''.

Page 9, lines 6 through 8, strike ''an assisted institution which received assistance under this title'' and insert ''such institution''.

Page 10, strike lines 5 through 16.

Page 10, line 17, strike ''(4)'' and insert ''(3)''.

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

Page 12, line 24, before the first period, insert '', and shall require such reports to be provided to the appropriate State bank supervisor (as defined in section 3 of the Federal Deposit Insurance Act)''.

Page 13, line 4 and 5, strike ''striking paragraph (1) and inserting'' and inserting ''adding at the end''.

Strike line 6 on page 13 and all that follows through page 16, line 18, and insert the following:

''(4) AMOUNT.—For assistance provided after the date of the enactment of the TARP Reform and Accountability Act of 2009, and except as provided in title III of such Act, the warrants or instruments described in this section shall have a value at least equal to 15 percent of the aggregate amount of such assistance.''.

Strike line 23 on page 16 and all that follows through page 17, line 2.

Page 17, line 6, strike ''make available funds'' and insert ''provide assistance''.

Page 17, line 8, before the period insert '', including such institutions that are privately held''.

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

(b) COMPARABLE TERMS.—An institution that receives assistance after the date of the enactment of the TARP Reform and Accountability Act of 2009, shall do so on terms comparable to the terms applicable to institutions that received assistance prior to the date of the enactment of such Act of 2009: *Provided*, That the institution—

Page 17, line 13, strike ''have submitted applications'' and inserting ''has submitted an application''.

Page 17, line 18, strike ''are'' and insert ''is''.

Page 17, line 25, strike the comma and insert a period.

Page 18, strike lines 1 through 3.

Page 19, after line 12, insert the following:

SEC. 107. INCLUSION OF WOMEN AND MINORITIES.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—The Secretary of the Treasury shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and ensuring compliance by the Secretary and each assisted institution (as such term is defined in section 3 of the Emergency Economic Stabilization Act of 2008) with the requirements of this section. The Office shall be responsible for all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Secretary shall establish regarding the use of assistance provided under title I of such Act.

(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—The Secretary and each assisted institution shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the Secretary and each assisted institution at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by the Secretary and each assisted institution for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

(c) APPLICABILITY.—This section shall apply to all contracts of the Secretary of the Treasury and assisted institutions for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

(d) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Congress detailed information describing the actions taken by the Office and assisted institutions pursuant to this section, which shall include a statement of the total amounts provided by the Secretary and assisted institutions under title I of the Emergency Economic Stabilization Act of 2008 to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.

SEC. 108. ANALYSIS OF USE OF ASSISTANCE.

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

(b) AGENCY COLLECTION.—The Secretary of the Treasury shall require the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other Federal agency the Secretary chooses to report detailed information to the Secretary on the use of assistance provided by the Secretary under the Emergency Economic Stabilization Act of 2008 in a standard electronic form on no less than a quarterly basis.

(c) SOURCE OF INFORMATION.—The data collected and analyzed under subsections (a) and (b)—

(1) shall come from existing reports filed by all assisted institutions where possible, including depository institutions and nondepository institutions, with the principal Federal regulator of each such institution, if any; and

(2) and should be sufficiently detailed and timely to enable the Secretary to determine the effectiveness of the program established

under title I of the Emergency Economic Stabilization Act of 2008 in stimulating prudent lending and strengthening bank capital.

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

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

(2) the goals of the program are not being met following the recommendations and adjustments made in accordance with paragraph (1), the Secretary shall adjust the future uses of assistance provided under such title.

SEC. 109. DATABASE OF USE OF TARP FUNDS.

The Secretary of the Treasury shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains the name of each entity receiving funds made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) and the purpose for which such entity is receiving such funds.

Page 19, line 13, strike ''**107**'' and insert ''**110**''.

Page 19, line 16, strike ''subsection'' and insert ''subsections''.

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

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

''(g) QUALIFIED PROPERTY.—

''(1) GUARANTEE.—Upon the request of a lessee of qualified property in leases where the lessee economically defeased its rent and purchase option payments, the Secretary may serve as a guarantor with respect to all payment obligations of such lessee with respect to any defeased lease transaction that is in technical default because of a downgrade of a financial guarantor. Such guarantee shall be on such terms and conditions as are determined by the Secretary.

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

''(A) QUALIFIED PROPERTY.—The term 'qualified property' means domestic property subject to a lease entered into prior to November 1, 2007, in which a State or local government authority (as defined in section 5302(a) of title 49, United States Code) is the lessee.

''(B) GUARANTOR.—The term 'guarantor' includes any guarantor, surety, and payment undertaker.''.

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

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

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

''(A) with respect to any insured credit union, means—

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

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

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

SEC. 112. TREASURY FACILITATED AUCTION.

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

''(b) USE OF MARKET MECHANISMS.—

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

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

''(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

''(2) AUCTION FACILITATION.—

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

''(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

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

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

Page 20, after line 4, insert the following:

(a) COMMITMENT OF RESOURCES.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, not later than seven days after the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary of the Treasury (in this title referred to as the ''Secretary'') shall commit funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount of at least $100,000,000,000, unless the Secretary certifies otherwise under subsection (d), but in no case less than $40,000,000,000, for the purposes of foreclosure mitigation. Not less than $20,000,000,000 of this amount shall be dedicated to the program described under section 204 of this Act. The Secretary shall consult with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation regarding the administration of the program.

Page 20, line 5, strike ''(a)'' and insert ''(b)''.

Page 20, strike ''of the Treasury'' in line 8 and all that follows through ''(''Secretary')'' in line 9.

Page 20, line 11, after ''to'' insert ''use the funds committed under subparagraph (a) to''.

Page 20, strike lines 16 through 21.

Strike ''committing funds'' in line 23 of page 20 and all that follows through ''of 2008'' on page 21, line 1.

Page 21, line 2, strike ''(a)'' and insert ''(b)''.

Page 21, line 3, strike ''by May 1, 2009,''.

Page 21, lines 4 and 5, strike ''more than the minimum of $40,000,000,000 as required'' and insert ''at least $100,000,000,000 in the plan established''.

Page 21, lines 6 and 7, strike '', no later than May 15, 2009,'' and insert ''in the plan''.

Page 21, line 7, strike ''additional funds'' and insert ''amounts''.

Page 21, after line 8, insert the following:

(e) CLARIFICATION.—For purposes of this title, the term ''residential properties'' shall include 1- to 4-family residential properties.

Page 21, line 11, strike ''201(a)'' and insert ''201(b)''.

Page 21, lines 23 and 24, strike ''one, or a combination of more than one,'' and insert ''the systematic foreclosure prevention and mortgage modification program under section 204 and a combination''.

Page 21, after line 25, insert the following:

(4) WORKFORCE AND OUTREACH.—The plan shall set forth how the Secretary intends to develop, second, or contract for appropriate staffing to carry out the plan and the component programs and to ensure that private mortgage servicers utilizing the programs established by the Secretary will provide sufficient staffing and resources to engage in the outreach, loss mitigation activities, and homeowner education necessary for successful foreclosure mitigation.

Page 22, line 2, strike ''201(a)'' and insert ''201(b)''.

Page 22, strike lines 9 through 11.

Page 22, line 12, strike ''(2)'' and insert ''(1)''.

Page 22, line 23, strike ''(3)'' and insert ''(2)''.

Page 23, line 8, strike ''(4)'' and insert ''(3)''.

Page 23, line 13, strike ''(5)'' and insert ''(4)''.

Page 23, line 10, after ''servicers'' insert the following: '''', including servicers that are not affiliated with a depository institution,''.

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

Page 23, after line 22, insert the following:

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

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

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

Page 28, line 3, strike ''118'' and insert ''title I''.

Page 28, line 12, strike ''**204**'' and insert ''**205**''.

Page 28, line 18, strike ''201(a)'' and insert ''201(b)''.

Page 29, line 1, strike ''**205**'' and insert ''**206**''.

Strike line 21 on page 31 and all that follows through page 32, line 2.

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

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

Page 32, after line 19, insert the following:

SEC. 207. FORECLOSURE PREVENTION FOR AFFORDABLE HOUSING.

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

''SEC. 109. FORECLOSURE MITIGATION EFFORTS.

''(a) RESIDENTIAL MORTGAGE SERVICING STANDARDS.—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and renters and use the authority of the Secretary to encourage the servicers of the underlying mortgages, considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and

credit enhancements to facilitate loan modifications to prevent avoidable foreclosures on single-family and multifamily housing.

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

''(c) CONSENT TO REASONABLE LOAN MODIFICATION REQUESTS.—Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate and considering net present value to the taxpayer, to reasonable requests by homeowners and owners of multifamily housing, including qualified low-income buildings under section 42 of the Internal Revenue Code of 1986, for loss mitigation measures, including term extensions, rate reductions, principal write downs, increases in the proportion of loans within a trust or other structure allowed to be modified, or removal of other limitation on modifications.''.

Page 32, line 20, strike ''**206**'' and insert ''**208**''.

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

SEC. 209. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Joint Economic Committee on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) The total number of mortgage modifications resulting in each of the following:

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

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

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

(2) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased 10 percent or more.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

Page 52, strike ''obligation'' in line 19 and all that follows through ''2008'' in line 21 and insert ''existing vested legal rights and the Constitution''.

Page 63, line 9, after the first period insert the following: ''In determining which classes of consumer loans to support, the Secretary may consider the applicable regulatory structure and level of consumer protection afforded to such loans.''.

Page 63, line 11, strike ''103'' and insert ''101''.

Page 63, line 13, strike ''(f)'' and insert ''(g)''.

Page 63, line 13, strike ''401'' and insert ''110''.

Page 63, line 15, strike ''(g)'' and insert ''(h)''.

Page 64, line 8, before the first period insert the following: ''or any other entity eligible to issue bonds the interest on which is excludable from gross income for Federal income tax purposes.''.

Page 64, line 19, after ''estate loans,'' insert ''including loans for multifamily housing,''.

Page 64, after line 22, insert the following new sections:

SEC. 404. SMALL BUSINESS LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 138 (as added by section 403 of this title) the following new section:

''SEC. 139. CLARIFICATION OF AUTHORITY REGARDING SMALL BUSINESS LOANS.

''The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of small business loans, including farm loans, loans to minority and disadvantaged businesses, debtor-in-possession financing, dealer floor plan financing, and any other small business loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.''.

SEC. 405. COMMERCIAL LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 139 (as added by section 404 of this title) the following new section:

''SEC. 140. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL LOANS.

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

SEC. 406. AUTOMOBILE FLEET PURCHASE LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 140 (as added by section 405 of this title) the following new section:

''SEC. 140. CLARIFICATION OF AUTHORITY REGARDING AUTOMOBILE FLEET PURCHASE LOANS.

''The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of automobile fleet purchase loans, including loans for the automobile rental industry and other fleet purchasers, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.''.

SEC. 407. CERTIFICATION.

Subsection (a) of section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) the use of the authority for the purposes specified in the amendments made by title IV of the TARP Reform and Accountability Act of 2009.''.

Strike line 1 on page 68 and all that follows through page 69, line 2.

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

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

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

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

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

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

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

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

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

(e) TARGETING FOR HOUSING DISASTER AREAS.—

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

(2) REPORT.—Not later than 60 days after the Secretary first has authority to purchase troubled assets pursuant to section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)), the Secretary shall—

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

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

(C) submit a report to the Congress that describes the impact of such activities and the determination of the Secretary under subparagraph (B).

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

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

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

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

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

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

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

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

TITLE VIII—REPORTS ON THE GUARANTEE OF CERTAIN CITIGROUP ASSETS

SEC. 801. REPORTS REQUIRED.

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

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

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

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

(c) CITIGROUP GUARANTEE DEFINED.—For the purpose of this section, the term ''Citigroup guarantee'' means the agreement announced November 23, 2008, between Citigroup and the Treasury and the Federal Deposit Insurance Corporation to guarantee or purchase, partly through the use of funds authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), an asset pool of approximately $306 billion of loans and securities backed by residential and commercial real estate and other such assets on Citigroup's balance sheet.

TITLE IX—GAO STUDY OF FINANCIAL CRISIS

SEC. 901. STUDY REQUIRED.

The Comptroller General of the United States shall—

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

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

SEC. 902. TREASURY STRATEGY AND TIMELINE.

Using the findings and conclusions of the Comptroller General in the report under section 901(2), within 30 days, the Secretary of the Treasury shall issue an overall strategy and timeline for implementing the recommendations contained in the report with the goal of financial stability and the well-being of taxpayers.

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

The Chair recognizes the gentleman from Massachusetts.

□ 1115

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

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

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

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

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

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

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

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

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

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

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

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

Well, sir, now we are about to do the same thing next week, I understand, when President-elect Obama has requested that we spend the next $350 billion, again without the appropriate oversight. So I commend the chairman for taking the step to try to begin to begin the process of providing some of that degree of accountability, transparency and oversight.

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

Now, the chairman will say, well, we have ability because the Rules Committee allowed a number of amendments. We will be debating those amendments shortly, 10 or 11 amendments I believe we will have at that point in time.

The chairman will agree that is not the best way to achieve what we are trying to for the American people. The best way is to have an open, honest discussion in committee, allow the experts to come in and testify, allow Members from both sides of the aisle to have input, and allow it to go through the committee to get that desired result.

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

With that, I reserve the balance of my time.

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

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

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

(Mr. KENNEDY asked and was given permission to revise and extend his remarks.)

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

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

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

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

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

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

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

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

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

While he is correct while being overly technical about it by saying that it was President Bush who actually filed the paperwork and made the submission to this House and to the Congress in order for the request of the additional TARP funds, he seems to be distancing himself from his party's candidate and his party's and all this Nation's President-elect Obama, for it was President-elect Obama who did go to President Bush and did request that this Congress facilitate the passage of the additional $350 billion.

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

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

But I will yield.

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

Mr. Chairman, I rise today in support of Chairman FRANK's manager's amendment and the underlying legislation. I want to thank Chairman FRANK and his excellent staff for working with me to address a concern I had with the original draft bill.

On Tuesday, I talked to our Kansas Governor, Kathleen Sebelius. We were concerned about a provision in the bill that would have required financial firms participating in TARP to divest their companies of corporate business aircraft.

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

With nearly 44,000 Kansans who work for aviation companies like Cessna, Beechcraft, Learjet and Boeing, as well as their contracting counterparts like Garmin and Honeywell, many Kansas families depend on this industry. And the impact would have been felt not just in Kansas. General aviation contributes more than $150 billion a year to the U.S. economy and employs more than 1.2 million people.

I want to thank again Chairman FRANK and his staff for responding to our concerns and for striking this provision. This is good news for Kansans and aviation workers across this country. These are difficult times. I urge my colleagues to support the manager's amendment and this bill to ensure these TARP funds are responsibly allocated with strong oversight protections for the American taxpayer.

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

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

Mr. Chairman, I again question why we are even here today. I observe again that those who have risen to be the largest critics of the TARP bill were the ones who wrote the TARP bill. So, number one, why weren't the standards, the accountability, the provisions that some are seeking today, why weren't they there originally? That is question number one.

Question number two is: Why are we having to have a vote that turns off the spigot of an extra $350 billion of taxpayer money, as opposed to turn it on?

So why are we even having to have this vote, Mr. Chairman, I think is an interesting question that the American people want to know the answer to.

Now, already if you look at the actions of the Federal Reserve, if you look at the actions of Treasury, Mr. Chairman, we are already up to somewhere in the neighborhood of $7 trillion to $8 trillion of potential liability taxpayer exposure. I don't necessarily believe the taxpayer will have to pay it all. I hope and pray that the taxpayer will get some return on his investment.

□ 1130

But to sit here and say that unless Congress somehow authorizes the incoming President to spend an extra $350 billion that we could spend ourselves, and to give him this authority, without any plan being presented whatsoever, I mean, Mr. Chairman, that's just something I don't understand. It's not something that the constituents that I represent in the Fifth District of Texas understand.

Now, I do believe that the chairman is right on a couple of instances, that, yes, we need to know how institutions who are receiving TARP funds actually spend it. That's important. We need to have some kind of measurement of success to know what's actually happening here.

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

Now, I don't want to see the auto companies fail. Nobody in America does. But name me an industry in America that isn't struggling. Is Congress so wise that they can decide which industries are deserving the taxpayer bailout and which aren't?

It's one thing for the Federal Government to try to monitor the money supply, ensure that the money supply is proper, that would hopefully lift all industries, help all families, help all job creators and those who have the jobs.

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

Again, how can everybody who's struggling bail out everybody else who's struggling?

And what has become of all of this money?

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

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

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

Now, there's a couple of reasons people aren't current in their mortgages. Number 1, maybe it's through no fault of their own. Maybe they were duped by a predatory lender. Maybe they had a serious illness. Maybe they had a loss of job. I mean, these are serious setbacks, and I would hope that we could help these people.

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

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

For all these reasons, this amendment should be defeated.

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

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

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

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

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

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

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

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

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

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

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

Mr. Chairman, I'd like to engage in a colloquy at this time. Quickly, the Treasury Department has yet to issue the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections at other banks. However, they are very vital to the inner city. And I ask, in our work together, whether or not if you can explain the language.

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

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

Mr. FRANK of Massachusetts. She's absolutely right. I appreciate her calling this to our attention. We have amended the bill to take into account these private banks, many of which serve lower-income communities and are themselves people of experience in this area.

As I said yesterday when the question came up about mutuals, the form of ownership should not be determinative here. Whether or not they are performing a valid function in the economy and whether or not they can use these funds responsibly is all that should cover. So we did amend the bill at the gentlewoman's request in that manner.

Ms. JACKSON-LEE of Texas. We thank you very much. And the language does move this along, and I want to thank you.

Quickly, let me also thank you for regulating the automobile industry, which you promised to do, which you also worked specifically to provide more credit to the automobile industry. But in that light we talked about——

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

Mr. FRANK of Massachusetts. I yield the gentlewoman 30 seconds.

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

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

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

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

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

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

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

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

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans, and 77 percent of small agricultural production loans.

This manager's amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the manager's amendment will effect this change.

In Section 107, the manager's amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The manager's amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending, or reduction in decrease of lending and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an

agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

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

1. Requiring Treasury to prohibit incentives that encourage excessive risks,

2. Providing for claw-back of compensation received based on materially inaccurate statements; and

3. Prohibits all golden parachute payment for the duration of the investment.

Included in this legislation is a requirement of government board representation by authorizing Treasury to have an observer at board or board committee meetings of recipient institutions. This legislation changes the structure and authority of TARP board—the Financial Stability Oversight Board is expanded to include the Chairman of the FDIC and two additional members who are not currently Federal employees, who shall be appointed by President and subject to Senate confirmation. The Board will have the authority to overturn policy decisions of the Treasury Secretary by a two-thirds vote.

Mr. Chair, the act provides that the second $350 billion is conditioned on the use of up to $100 billion, but no less than $40 billion, for foreclosure mitigation, with plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than required minimum $40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

1. Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor;

2. Bringing costs of Hope for Homeowner loans down, beyond mandatory changes in Title V below, either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both;

3. Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any writedown by existing lender Treasury may require;

4. Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and

5. Purchase of whole loans for the purpose of modifying or refinancing the loans with authorization to delegate to FDIC.

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

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act, maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

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

In addition to the above requirements, an oversight panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans;

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve;

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

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

In addition, more reforms are enunciated for homeowners in title V. The home buyer stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

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

This legislation will give a permanent increase in FDIC and NCUA deposit insurance limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to $250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

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

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

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

I yield now 2 minutes to the gentleman from Indiana (Mr. BURTON).

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

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

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

I had some people who are commercial developers come in to see me last

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

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

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

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

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

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

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

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

These conditions are important, and the conditions that are added through the manager's amendment are particularly important. One of the things we talked about with the original TARP bill was that money would, 1, buy mortgage portfolios, 2, recapitalize banks and 3, pass through various agencies to small businesses through the Federal home loan banks and through the farm credit administration.

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

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

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

Mr. SCHOCK. Chairman FRANK, Ranking Member BACHUS and Congressman GARRETT, first let me thank you for the opportunity to come to the floor and speak today.

Chairman FRANK, I congratulate you on bringing this piece of legislation forward, and I admire the meticulous and bipartisan nature in which you have crafted it.

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

My amendment is very simple. It establishes a user-friendly Web site where the American people can quickly and accurately see where their money is going.

During debate yesterday, we heard the need for more oversight, more transparency, and more control over the flow of TARP funds.

□ 1145

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

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

You know, when my constituents leave the grocery store, they know three things—what they've spent, what they got for their money and how their purchases are going to help their families. Well, the American people deserve to know the same thing when they, for the very first time, are pouring billions of the same hard-earned dollars, which they used to purchase groceries, into the financial and housing markets. Americans should be able to identify what is being spent in their name.

Currently, the Treasury Department provides limited balance sheets, listing complex purchases on their Web site. The target audience of this Web site is for those applying for TARP funds, in other words, financial experts. It is not for those who are looking to see how their money is spent.

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

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

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

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

Mr. SCHOCK. Thank you, Mr. FRANK.

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

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

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

Mr. SCHOCK. Yes, sir.

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

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

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the Members who has been most active in trying to deal

with this foreclosure problem that other Members think we should ignore. He is the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of the manager's amendment offered today by Chairman FRANK to H.R. 384, the TARP Reform and Accountability Act of 2009. I will also take this opportunity to commend his extraordinary leadership on this issue and to thank him and the Rules Committee for including language that I have proposed within the manager's amendment.

The language I offer requires the Comptroller of the Currency and the Director of the Office of Thrift Supervision to issue mortgage modification data collection and reporting requirements for the banks they regulate and to report this information back to Congress. This amendment is necessary for one clear reason:

In a December 8, 2008 report, the OCC announced that, within 3 months of an initial mortgage modification, nearly 36 percent of borrowers redefaulted by being more than 30 days past due. After 6 months, the rate was nearly 53 percent, and after 8 months, it was 58 percent.

Unfortunately, no one really knows the reasons behind these redefault rates. This language will help us gather the information we need to understand what is occurring and to understand, hopefully, why it is occurring.

Mr. Chairman, a RealtyTrac reported this morning that the foreclosure rate jumped to 81 percent in 2008 with one in every 54 households experiencing at least one foreclosure. This equates to nearly 2.3 million properties.

Foreclosure rates are projected to rise in the coming months, and it is, therefore, imperative to us to understand the nature of the modifications being made by lenders and whether they address the real needs of borrowers by creating terms borrowers can realistically meet.

It is our duty to protect homeowners and to ensure transparency, accountability and strict standards. H.R. 384 accomplishes these objectives.

Again, I want to thank Mr. FRANK for his efforts, and I want to urge my colleagues to support this amendment and the underlying bill.

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

Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don't. I'm not sure who the chairman was alluding to. We certainly care about foreclosure mitigation on this side of the aisle.

Mr. Chairman, there is no better foreclosure mitigation plan than keeping your job, number 1, having expanded opportunities for a better job in the future, and number 3, having a growing paycheck. That's why Republicans on this side of the aisle have supported a tax relief plan to make sure that people keep their jobs and to help small businesses. It's why people on this side of the aisle—why Republicans, Mr. Chairman—have supported a plan that would reduce the tax on future job creation—the capital gains tax, the tax on investment. It's why we have supported tax reductions for middle-income families so they can pay these mortgages.

I see, unfortunately, that the chairman has left the floor, but I would also observe that over 2 million mortgages have been refinanced between the borrowers and lenders.

Listen, a great tragedy has occurred in our housing market. Now the question is: With all of these losses, who is going to realize it? Is it going to be the borrowers and the lenders or is it going to be the taxpayers?

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

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

Thank you to the gentleman from Massachusetts for his leadership on this amendment and for his leadership on this issue. I stand in support of the manager's amendment.

Many who support it—the Emergency Economic Stabilization Act that first authorized the money for TARP—despite the fact that they were angered by the circumstances that caused its necessity, believed it was essential for the Nation's economy.

My home State of Ohio is amongst the Nation's leaders in its foreclosure rate, and I am keenly aware of the need for intervention to mitigate the increasing number of foreclosures. This measure recognizes that and provides relief for those who need it most, not just for America's homeowners, not just for America's financial institutions but for entire communities that are suffering and that are failing under the weight of the foreclosure crisis.

I appreciate the chairman's fundamental work on this issue. Again, I would encourage my colleagues to support the manager's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I have no further speakers, and I would reserve my time until the gentleman from Massachusetts is ready to close.

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

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of the underlying bill and of the amendment introduced by my good friend from Massachusetts.

He has been a tireless leader, the chairman has, in trying to ensure that this administration does right by the taxpayers and that it particularly does right by homeowners who are facing foreclosure.

Like many of my colleagues, I supported the final TARP. Yet, despite the debate in this Congress and despite the intense discussions with the administration, they failed taxpayers miserably in making sure that homeowners are protected, that they stay in their homes and that we restore stability to our housing and mortgage markets.

This amendment adds and strengthens many critically important provisions. I particularly support the establishment of an Office of Minority and Women Inclusion.

As my colleague from Maryland noted, foreclosures continue to take their toll on families, communities and States across this country. Yesterday, of course, RealtyTrac announced that the foreclosure rate was up 81 percent in 2008. In fact, it's likely that, in my home State of Maryland, 1 in 26 homeowners will experience foreclosure this year. Many of those homeowners, some of those homeowners, live in my own neighborhood.

I represent two counties leading our State in foreclosure numbers. If left unaddressed, the foreclosures will continue to increase and will touch even more lives. I am frustrated that this administration has failed and that foreclosures have skyrocketed.

Yet it's important now for us to get it right for the American people and for the taxpayer. So I support the underlying bill and the amendment. I applaud the chairman for his leadership to make certain that American taxpayers are protected, that we ensure that people stay in their homes, that they are protected from foreclosure, that we stabilize our housing market, and that we provide accountability for taxpayers and for the administration.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON) who has been a fierce advocate here, particularly of the rights of tenants, which are often overlooked in this process.

Mr. ELLISON. Let me thank Chairman FRANK for bringing this critical legislation to the floor.

When Congress passed the emergency financial services rescue package last fall, we included specific provisions to help distressed homeowners. Unfortunately, the Bush administration decided to help out Wall Street with

these funds while ignoring the needs of Main Street.

The fact is that this piece of legislation, carefully crafted and now working with an amenable and a cooperative administration, is in a much better position to meet the needs set forth in the original legislation, which is to help homeowners. The bill requires at least $40 billion, but no more than $100 billion, be used to help distressed homeowners.

Finally, I am excited to report that there is a measure that I authored with other Members which provides reasonable protections for bona fide renters, which is something I'm very happy about. I am pleased to be able to support this legislation today.

Again, Mr. Chairman, let me thank our very able chairman on this piece of legislation so we can get our country back and moving again.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. The gentleman should proceed because I will be closing for us, and I am the last speaker.

The Acting CHAIR. The gentleman from New Jersey is recognized for 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, the gentleman from Colorado said that this amendment will make sure of ''such and such,'' and he listed off a half a dozen things that the bill, or the amendment, will do.

The reality is that the chairman will tell him this amendment will make sure of absolutely nothing. Why? Because this amendment will never become law. That's not me saying that. That's what the chairman has said repeatedly as well. It is not going to move in the House and the Senate. It is not going to be eventually signed by the President.

Soon, we'll be voting on legislation that will, in essence, allow the next administration to spend $350 billion, and the American taxpayer will be asking us: What did we authorize that $350 billion for? For there was no plan, and there is no plan as we speak here today as to what the next administration will be spending that $350 billion for.

Congress should not authorize, Congress should not pass any other legislation until we have the specifics of a plan. We should not do so until we have a plan that will not pick winners and losers, until we have a plan that will protect the American taxpayer, until we have a plan in place and the language before us that will not bail out the banks that made terrible decisions. We should not be moving legislation that will appropriate $350 billion until we have a plan in writing specifically that will not bail out borrowers who knowingly took inappropriate loans.

Finally, we should not spend an additional $350 billion as we pick winners and losers and do nothing, absolutely nothing, for the 90-plus percent of American homeowners who have done absolutely everything right and who have paid their loans and mortgages on time and who are now asking: Why are they bailing out the banks and other imprudent lenders?

I encourage all of my colleagues at this point in time to vote ''no'' on this amendment that will do absolutely nothing to ensure these protections to the American taxpayers. I encourage all of my colleagues as well to vote such that we will not appropriate an additional $350 billion of taxpayer dollars.

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

□ 1200

Mr. FRANK of Massachusetts. Mr. Chairman, it becomes clear that for many in the minority this is an opportunity to punish Barack Obama for the mistakes made by George Bush. The gentleman says we should have a plan. In fact, what they are objecting to is the plan.

Here is where we differ: They have said, the gentleman who just spoke, the ranking member of the full committee, ''Let's ask the President to tell us what he plans to do.'' We want to do it the opposite way. We want to pass this bill to tell the President what we think should be done.

Now, it doesn't get specific as to institutions. It shouldn't. We don't pick institutions here. We empower them and direct them, in some cases, to deal with the whole economy and with classes of institutions. There is no selection here by Congress of this or that company or even line of business.

Secondly, the gentleman closed by saying why should the majority respond to the foreclosure issue. And the answer is that the foreclosure issue hurts everybody in this country. It reduces property values too radically. It reduces the capacity of institutions that have these assets that are held. It hurts pension funds. It hurts a whole range of people. It hurts people's 401(k)s. The whole society has suffered from this improvidence.

And I would note again, in 2007, the majority in the House, when we became the majority, voted to ban these loans from being made whether the fault was on the part of the borrower or the lender. The gentleman from New Jersey and others condemned that, said we were interfering unduly with the market. He said the market would take care of it. Well, the market hasn't taken care of it. The market has plummeted.

This bill does what Members say they want, and I guess they won't take ''yes'' for an answer. It says this is what the House believes should be in the plan. And no, it does not look like it's going to pass the Senate now, although Members on the other side rarely think that's a reason for us not to act. But if we pass this and the President was to disappoint us—and I don't expect him to; I have a great deal of confidence in him—and not carry this out, the bill will be alive in the Senate and will be available as an instrument to do it.

Beyond that, here's the difference. We passed a law, and George Bush ignored the law, as he often does. There will be a great contrast between a President who ignored the law and a President who agrees with us to abide with what the House asked him to do.

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MS. MATSUI

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. MATSUI:

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

SEC. 206. FORECLOSURE MORATORIUM RECOMMENDATION.

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

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

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

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

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

(c) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued , or consummated with respect to any homeowner mortgage may not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(d) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage shall respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

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

The Chair recognizes the gentlewoman from California.

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

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

Right now, more than 8 million homeowners are expected to face foreclosure over the next 4 years. That is one in six mortgages in the United States. The rising unemployment will cause even more Americans to face foreclosure.

California, and in particular my home district of Sacramento, has been greatly impacted by the foreclosure crisis. I've hosted foreclosure workshops. I've seen the hardships and looks of desperation on so many faces not knowing if they will lose their home.

At one workshop, I was approached by a woman that had a loan through one of the financial institutions that had taken TARP funds. When we met, she had been talking to the bank's representatives for a few months to no avail. She was one step from losing her home. It took her dozens of phone calls and letters over many months for her and the bank to settle on a new loan. I worry that without a true moratorium on foreclosures, people like her will not be as lucky.

Similar situations are occurring throughout the country.

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

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

That is why I have offered my amendment with Congresswoman CASTOR that calls on the mortgage industry to implement a temporary timeout on foreclosures.

Our constituents and businesses need breathing room to find solutions to help Americans stay in their home. I've been calling for a moratorium on foreclosures over the last 8 months. Last May, I introduced the Home Retention and Economic Stabilization Act that calls for a 9-month moratorium on foreclosures for responsible homeowners.

Yesterday, I reintroduced the same bill, along with Senator MENENDEZ in the Senate. I will continue to actively pursue a meaningful moratorium on foreclosures in the coming days and months.

Until then, a timeout in foreclosures is a necessary stop-gap measure that will give Congress, regulators, and homeowners some breathing room while everyone works to craft a fair, sensible, and lasting solution to the foreclosure crisis. I hope that my colleagues will join me in supporting this amendment.

I reserve the remainder of my time.

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

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

Mr. GARRETT of New Jersey. I yield myself 2 minutes.

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

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

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

I would ask the gentlelady a question, though.

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

The question is, how can a sense of Congress, therefore, actually have the effect of law?

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

I would ask, then, in light of the fact that there is both the policy reason that we may agree on but have some problems with but is technically flawed, I would ask that the sponsor would consider withdrawing the amendment at this time.

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

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

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

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

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

Mr. GARRETT of New Jersey. I will yield myself just 1 more minute.

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

We know this is an ongoing problem, and that's why there's so many advertisements and like on TV right now to encourage people to do the right thing. This language would be counterproductive in that, so the experts say.

And secondly, the lenders have come to the committee and testified before our committee that the longer the borrower remains delinquent, the less

likely he or she will be able to cure the delinquency and avoid foreclosure.

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

With that, I reserve.

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

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

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

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

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

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

I'm now planning my fourth foreclosure workshop, and to the contrary, rather than discouraging homeowners, here is what I found. They cannot get the loss mitigation personnel on the phone. They want to work it out. They want a little bit of breathing room. Now where it's a vicious cycle because they've lost their job, they're looking for their second part-time job, they need a little breathing room that this amendment will provide.

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

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

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

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

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

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

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

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

Does he yield that minute back?

Mr. GARRETT of New Jersey. I yield back.

The Acting CHAIR. All time for debate has expired.

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

The amendment was agreed to.

□ 1215

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 11, strike lines 1 through 7.

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

The Chair recognizes the gentleman from Texas.

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

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

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

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

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

Now, again, I have no doubt that, although I disagree with the chairman on a number of issues, I know that his purpose is a noble one. But I also know, Mr. Chairman, that when things begin in Washington, they don't always end the way that they started. And so I would question, number one—you know, we were told at one time Social Security would be solvent forever; well, it's not. We were told that TRIA was a temporary program; well, it's not. We were told Fannie and Freddie would never be bailed out. And I'm sure those who said it meant it at the time, but circumstances change, they were bailed out. We were told that once House Democrats took over control, that they would rein in spending and balance the budget, and now we have the largest deficit in American history.

So I'm fearful that this provision will grow into something that maybe it's

not intended, not something that I would appreciate. And I'm also very curious why so many other accountability provisions dealing with home borrowers have seemingly fallen out of the bill, including one that the chairman agreed to earlier—I believe it was in April in the markup of the Hope for Homeowners program—when he accepted the amendment now, but seemingly is taking it out of the bill at this point.

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

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

The Acting CHAIR. The gentleman from Massachusetts is recognized for——

Mr. FRANK of Massachusetts. How much time did the gentleman consume?

The Acting CHAIR. 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the implicit endorsement of this amendment that I received from my friend from Texas. He opposed the amendment by talking not about what it does, but what might happen later on in a way very different from it. He did not appear to have much objection to the amendment itself. He is talking about, if we do this, it might lead to something else. Well, at that point object to something else.

The argument that I'm against this because it will lead to something else almost always comes from Members who don't like the provision under debate, feel uncomfortable in explaining why, so they, therefore, debate a straw man. Yes, there were Members who wanted it to be mandatory that we put someone on the board of directors; I thought that was inappropriate. I don't think a Federal official with the political pressures to which he or she will be suffered should be voting as a member of the board of directors. There were others who wanted to require an observer in every case. We came to what I think is a very moderate approach, to give the Secretary of the Treasury the discretionary authority to do it. There may be some cases where it is important, some where you could forgo it.

The fact that the budget deficit went up does not seem to be an argument against giving the Secretary of the Treasury a discretionary observer at institutions that receive any help under the TARP. And the fact that the gentleman would cite the budget deficit and terrorism risk insurance and what happened to them as reasons not to deal with something entirely different because as they change this might change does not meet my logical standards.

Now, I will say, by the way, with terrorism risk insurance, as an advocate of it—along with the former chairman of the committee, Mr. Oxley—I never said that it would be temporary. I believe that there is, in fact, a public responsibility to deal with terrorism, and I didn't feel it was going to go away. But in any case, it's an irrelevancy.

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

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

This bill is a subordinate, it says this; should we tell the new President that, while we in the House believe he should have the opportunity to deploy these tools, we have very clear ideas about what should be done about it?

And we have done several hearings. This has been a very participatory process. I was pleased with the gentleman from California (Mr. CAMPBELL) yesterday, the gentleman from Illinois (Mr. SCHOCK) today, both talked about things that are positive in this.

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

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

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

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

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR.

Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. HENSARLING. I do not.

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

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

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

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

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

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

The gentleman from Texas has 30 seconds remaining to close.

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

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

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

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

Mr. FRANK of Massachusetts. Do I have any time remaining?

The Acting CHAIR. The gentleman from Massachusetts yielded back the balance of his time.

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

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

There was no objection.

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

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

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

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

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

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

The Acting CHAIR. The Committee will rise informally.

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

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–3.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLT:

Page 19, after line 20, insert the following:

SEC. 108. TREASURY FACILITATED AUCTION.

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

''(b) USE OF MARKET MECHANISMS.—

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

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

''(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

''(2) AUCTION FACILITATION.—

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

''(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

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

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

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

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment is simple and straightforward.

One of the difficulties with the troubled assets is assigning values to them. One way of doing that is through auctions. This amendment encourages—in fact, directs—the Secretary, without using taxpayer funds, to facilitate an auction. It will allow the TARP assets to be valued and should help to liquidate and dispose of those assets in the way that was intended.

□ 1230

Now, I should say that this amendment, although approved by the Rules Committee, is also included in its entirety in the manager's amendment as accepted.

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. HOLT

Mr. HOLT. Therefore, I ask unanimous consent to modify the amendment before us in a manner that is before you at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. HOLT:

Amendment No. 4 is modified to read as follows:

Page 7, line 18, strike the quotation marks and the last period.

Page 7, after line 18, insert the following new subsection:

''(h) RECONSIDERATION.—

''(1) Any institution that has submitted, pursuant to procedures established by the Secretary and in consultation with the appropriate Federal banking agencies, an application for assistance under this title that has been denied by the Secretary, may seek reconsideration of its application from the Financial Stability Oversight Board within 30 days.

''(2) The Oversight Board shall promptly review such requests for reconsideration and provide its findings and conclusions to the Secretary within 30 days after receipt of such a request.

''(3) Pendency of a request for reconsideration pursuant to this subsection shall not in any way impede or stay the ability of the appropriate Federal banking agencies from taking any supervisory or other action necessary with respect to the safety and soundness of the institution.

Page 63, line 15, strike ''(g)'' and insert ''(i)''.

Mr. HOLT (during the reading). Mr. Chairman, I ask that the amendment be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIR. Is there objection to modifying the amendment?

Mr. GARRETT of New Jersey. Mr. Chairman, reserving the right to object, I appreciate the gentleman's initial amendment, and I think I appreciate the gentleman's intention of the subsequent amendment.

Can the gentleman explain the reason why the gentleman is on the floor with the subsequent amendment as opposed to having proposed that amendment through the regular committee process?

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from New Jersey.

Mr. HOLT. Yes, I can explain. I submitted both of these amendments for committee consideration and for Rules Committee consideration. It was my understanding that they were both included in the manager's amendment, and, in fact, the chairman tells me that it was his intention to include both of them in the manager's amendment. Only one of them was actually included in the manager's amendment. So I'm asking unanimous consent to modify the one amendment that is already in the manager's amendment but also approved for floor consideration to represent the one that was not included in the manager's amendment but should have been.

Mr. GARRETT of New Jersey. Reclaiming my time, wasn't your amendment, I'm told, dated, though, just this morning?

Mr. HOLT. If the Member who controls the floor would yield to Chairman FRANK, I think we can get a better explanation.

Mr. GARRETT of New Jersey. I will let the chairman speak during his time. So you're not aware, though?

Reclaiming my time, I'm looking at it as January 15, 2009, 9:59 a.m., which would have been this morning.

Mr. HOLT. That is because I learned only this morning that it was not included in the manager's amendment, as I had understood and been led to believe, and, therefore, I typed it up so that it could be considered on the floor.

Mr. GARRETT of New Jersey. Thank you.

At this point, Mr. Chairman, I object to the modification.

The CHAIR. The gentleman from New Jersey (Mr. HOLT) is recognized on the original amendment.

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

Mr. HOLT. I yield to the chairman.

Mr. FRANK of Massachusetts. I just want to express my disappointment at this lack of comity. I had the explanation. There was an error that was

not the gentleman from New Jersey's fault. The gentleman from New Jersey (Mr. GARRETT) on the other side asked him a question to which he could not have had the answer because he was not in control of the process. I was willing to give the answer. I don't know why the gentleman from New Jersey would refuse to allow it since he suggested things that were not accurate as to this.

The gentleman has already objected, and that will stand as a precedent that we will all follow in certain cases, but the refusal to allow an explanation really dismays me.

The gentleman from New Jersey (Mr. HOLT) submitted this amendment on Tuesday. We had some questions about the form of it. He and I had conversations yesterday in which we came to an agreement that this part of the amendment would be easily accepted, that other parts would not be. So he modified it, and he modified it yesterday, and the formal modification was what we then came to. So he submitted it in a timely fashion on Tuesday in a bigger version. We agreed yesterday to remove part of it and leave this part of it. The gentleman has in every case acted in a timely fashion. He exceeded the conversations we had. My error and misunderstanding of my instructions led to the wrong amendment being put in order at the Rules Committee rather than this revised version.

Mr. HOLT. Reclaiming my time to talk about the substance, let me ask the Chair the time remaining, please.

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HOLT. Mr. Chairman, one of the problems that needs to be addressed is something that has outraged the country, my constituents, Mr. GARRETT's constituents, I'm sure many. It occurred when TARP funds were denied to a bank, awarded to another bank. The first bank then was overtaken by the second bank using, presumably, TARP funds. This was not something that taxpayers appreciated.

In Mr. FRANK's legislation before us today, there are some protections against that happening. I would like to see still further protections against that happening, and I believe the taxpayers would, and, in fact, I believe Mr. GARRETT would because the gentleman has expressed concern about choosing winners and losers, using TARP funds where the Treasury will say, well, this institution is not worthy of TARP funds, that institution is worthy of TARP funds, and the one that gets the funds can take over the loser. That is what so many taxpayers have found outrageous. I think that's what Mr. GARRETT has spoken against.

The amendment that I am asking to have considered would simply allow that entity denied the TARP funds to appeal. It would provide some insurance, meager perhaps, against the kind of National City Bank occurrence from happening again. It would provide a certain measure of protection against a winner overtaking a loser only because of the decisions of the Treasury. It's a small protection but I think a valuable protection, and I wish that the gentleman, my colleague from New Jersey, were more amenable to it.

I would be happy to yield any remaining seconds to the chairman of the committee if he has further comment.

Mr. FRANK of Massachusetts. Yes. It is to say that the gentleman has a very good idea. I regret that what I believe to be obstruction kept us from incorporating it, but I will be strongly urging the administration to work with us to see that this is made a part of the overall proposal.

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

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

The CHAIR. The gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. To the gentleman from New Jersey on the amendment that's actually before us I'm in general agreement with and also with the amendment that he proposed through his U.C., I believe that I also would be in favor of that as well. The general idea sounds basically like what we think alike on in how do you add that protection to the taxpayer and also to the little bank that's being bought out. And were we in a different situation where this bill actually was going to have the force of law and be signed into law by the President, there may be some expediency as far as necessary in order to get this thing through as we speak here today.

But we have already heard from the chairman and the point has been made repeatedly that this underlying piece of legislation that we're talking about here today is not going anywhere, and that's a shame because there are a number of other provisions in the underlying bill that are important as is the provision that you're suggesting.

What is disconcerting is that good amendments such as this and, quite honestly, some other good amendments from both sides of the aisle that I've heard about just literally as I'm sitting here talking to people didn't have the opportunity to go through the process and to be fleshed out, and I'm not saying your bill needed any more fleshing out, but needed to have a hearing and have experts on both sides of the equation give their 2 cents to.

As I sit here right now, it sounds like a good idea. I'm not sure whether there might be some aspects of it from the banking community that they may say tweak it here or what have it there. That, of course, is the whole process of the committee process. And as you know, unfortunately, we didn't have a hearing. We didn't have a markup. And had we done that, I'm sure you would have been right there making that case and I probably would have been right there saying great amendment.

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I sure will.

Mr. HOLT. Putting aside the gentleman's sense of the ultimate disposition of this legislation, I would ask wouldn't he like to make it as good as possible as we are considering it now and wouldn't he care to reconsider his objection?

Mr. GARRETT of New Jersey. Reclaiming my time, I'm not going to reconsider my objection for the underlying reason of amendments that I'm just seeing 10 minutes ago or less without having the opportunity to consider the ramifications that they may have. As good as they sound, as much as I think I 99 percent or so would support them had we gone through the process, I'm not going to withdraw my objection.

But I will say this, that should the good chairman decide to do what I think is appropriate here, and that is to go forward with additional hearings and additional legislation and additional opportunities to direct the next administration on the $350 billion that he's about to get and who knows how many other pieces of authorization of dollars that he has, I hope that the chairman will actually afford all of us from both sides the opportunity to present this amendment and other amendments as well to go through and be vetted in the committee process and at which time I give my pledge to work from this side of the aisle with the gentleman to do all that I can to see that it facilitates through should the chairman actually give us that opportunity.

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

Mr. HOLT. Mr. Chairman, I ask, with disappointment at the gentleman's obstreperousness and intransigence, to withdraw amendment No. 4 because it is unnecessary. It's already included in the manager's amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–3.

Mrs. BACHMANN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIR. Pursuant to House Resolution 62, the gentlewoman from Minnesota (Mrs. BACHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

Mrs. BACHMANN. Mr. Chairman, I rise now to offer an amendment to the bill before us, H.R. 384, which would strike the bill's misguided provisions that, in effect, water down important taxpayer protections in the hope for homeowners——

POINT OF ORDER

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

The CHAIR. The gentleman will state his point of order.

Mr. FRANK of Massachusetts. The gentlewoman is referring to amendment No. 6. She offered amendment No. 5.

Mrs. BACHMANN. Mr. Chairman, I am going in order of the amendments. I am going in order of the amendments as they're offered.

PARLIAMENTARY INQUIRY

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

The CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. We had No. 5 first, and the gentleman said No. 5. No. 5 is the auto amendment. The order we were given had No. 5 as the automobile one.

Mrs. BACHMANN. Mr. Chairman, I am going according to the rule.

The CHAIR. The gentlewoman may proceed.

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Mrs. BACHMANN. Thank you, Mr. Chairman

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

Under the rule, amendment No. 5, which was introduced, deals with automobiles, not with the subject of this. The gentlewoman introduced, was asked for amendment 5, rose and introduced, we were told it was No. 5. That deals with automobiles.

The CHAIR. The gentlewoman has the time for 5 minutes on her amendment, No. 5. Regarding automobiles?

Mrs. BACHMANN. No, Mr. Chairman.

The CHAIR. Amendment No. 5 is pending.

Mr. FRANK of Massachusetts. If I could make a point of order. Apparently we were given a misprinted copy of the rule. So I apologize. The copy of the rule we got was misprinted, and the order was reversed on the copy we got.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 5 offered by Mrs. BACHMANN:

Strike line 1 on page 65 and all that follows through page 69, line 2.

The CHAIR. The gentlewoman from Minnesota may continue.

Mrs. BACHMANN. Thank you, Mr. Chairman.

Again, I rise to offer my amendment to H.R. 384, which would strike the bill's misguided provisions that would water down the important taxpayer protections in the Hope for Homeowners Program.

When the majority created this program, Mr. Chair, 3 months ago, it was not that long ago, Mr. Chair, they promised that it would help a lofty 400,000 families who were behind on mortgage payments and possibly facing foreclosure.

This was a worthy goal, Mr. Chairman, but it seems that the majority created a government program for which there has been very little public demand.

With a little over 300 applications in the pipeline, it's clear that this program has been an enormous waste of time, of energy, of money and of other taxpayer resources. Just 12 days ago, Mr. Chair, as of January 3, 2009, the Hope for Homeowners Program, which cost taxpayers $300 billion, can be credited with helping, not 400,000 families, just 13 families actually refinance.

So what will the majority do? How far will they go to prove that their failing program is a success and not a boondoggle?

Unfortunately, Mr. Chair, today we are seeing the answer before this body. My Democrat colleagues are willing to strip out the essential taxpayer protections in an effort to spur more participation in this program.

Mr. Chair, we are talking about taxpayer protections which were already weak at their very best light. In the underlying bill, they are virtually nonexistent. The people who will benefit, the participants, will no longer be required to pay any up-front premiums. In other words, Mr. Chair, they will have no skin in the game, which was originally required to help sustain this program.

The annual premiums are even significantly decreased under H.R. 384 and, in fact, the Federal Housing Administration is given the authority to weigh them all together whenever they see fit.

These two mechanisms were common sense. They were regularly touted, with all due respect, by our Chairman FRANK and other supporters of Hope for Homeowners as important safeguards to protect the taxpayers when the program was established. We agreed to that.

Yet today they seek to eliminate those protections from title V. Additionally, title V removes the requirement in the current program that ensures taxpayers will receive a home equity appreciation share as payment for the taxpayers' investment through Hope for Homeowners.

In other words, people will be permitted to receive assistance from the government to pay their mortgages, but should their home values rise, they can make a profit, and they won't have to give anything back to those same taxpayers who lent them a helping hand in the first place to keep their home.

Our chairman, again, explained this issue best once upon a time when our chairman stated you are not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home. However, that's exactly the direction that the bill before us, H.R. 384, takes for this program.

This bill scales back the haircut that lenders must take to participate in Hope for Homeowners from 90 percent to 93 percent of the loan-to-value ratio, but it simultaneously removes the already weak taxpayer protections that are in the program.

This provision also authorizes payments to servicers for every loan ensured under the Hope For Homeowners Program.

While I too have concerns that some servicers may not be refinancing loans as quickly or as often as they could, this is real. The bill's language, unfortunately, is so vague, Mr. Chairman, so open ended, that servicers could be paid billions of dollars in return for refinancing loans.

This provision essentially increases the risk to the cost of the taxpayers while reducing the burden on investors and servicers to submit bad loans to the government for modification, not the direction we want to go, I submit.

Title V also allows taxpayer dollars authorized under TARP to be used to further fund Hope for Homeowners should it run out of the 300 billion the program has already received. What that means is that this bill gives an already failing government program an unlimited supply of tax dollars under TARP should they run out of money. Now how in the world does this make sense for American taxpayers?

The CHAIR. The time of the gentlewoman has expired.

Mrs. BACHMANN. Thank you, Mr. Chair. I will just finish this sentence.

At the very least shouldn't we wait to see how the current $300 billion, yes, billion, should be spent.

If this is near the end of my time, Mr. Chair, I would submit my remarks for the RECORD.

It's as if the Democrats are predicting that their own program will face a shortfall due to re-defaults or some other course of events. At the very least, this is a self-fulfilling prophecy. With an unlimited supply of funds on which to draw, there will be no incentive to improve and HOPE for Homeowners will continue to bleed taxpayers dry without any benefit to the homeowners it is meant to help.

Mr. Chair, U.S. Secretary of Housing and Urban Development Steve Preston recently stated that the HOPE for Homeowners program has been a failure, in part, because "Congress dotted the i's and crossed the t's for [HUD], and unfortunately it has made this program tough to use."

Yet here we are again watching Democrats legislate their way to the impossible—only this time they have rejected even the appearance of protecting taxpayers.

I urge my colleagues to support my amendment and restore what little taxpayer protection was in place in the HOPE for Homeowners program.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition. I apologize again. The Rules Committee report was misprinted. It listed them in the wrong order, so I apologize to the gentlewoman. That's why we were reacting to a misprint.

I oppose this in part because——

The CHAIR. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. The proposal that the gentlewoman singled

out to object to is a recommendation from Mr. Preston, the Bush administration Secretary of HUD.

Members have pointed out that the Hope for Homeowners Program has not worked, and we are disappointed.

It hasn't worked because, I think, we have tightened it up excessively. What we are trying to do here is relax it. Part of the impetus for this came from the secretary of HUD and the commissioner of the FHA, Mr. Montgomery, two Bush appointees.

In an article of December 17 from the Washington Post, which I will submit for the RECORD, Secretary Preston said that we have made this much too implicated and much too restrictive.

He singled out, as one of the provisions that was objectionable, the provision the gentlewoman from Minnesota just talked about. It's the secretary of HUD who told us to drop that if we wanted to make it workable.

How do you do that, Preston said? That was legislated. The article says it becomes more difficult to get people to refinance.

So we have on the one hand Republicans correctly pointing out that our effort for Hope for Homeowners failed, but we don't want that to be a permanent failure. We want to improve it. Now when we put in the improvements, some of which were recommended by the secretary of HUD, we were told that that's going to be too generous.

So this is kind of like the question that you were asked who do you like better, your mother or your father? There is no right answer.

Should the program be very tough, should it be very relaxed? Whatever we do, people are going to oppose it. That's because, and there is—and I go back to 2007 when we voted on the subprime bill. I go back to the Wall Street Journal editorial at that time and this morning. There are people who do not want us to respond to the foreclosure crisis.

Now, responding it to it will be uneven because it's a messy problem. But people who voted in 2007 against banning irresponsible subprime loans, I am not surprised that they don't want us to be effective right now. And I am not surprised—I am a little surprised that they would single out our effort to act on a recommendation of Secretary Preston to correct this.

[From the Washington Post, Dec. 17, 2008]

HUD CHIEF CALLS AID ON MORTGAGES A FAILURE

(By Dina ElBoghdady)

Secretary of Housing and Urban Development Steve Preston said the centerpiece of the federal government's effort to help struggling homeowners has been a failure and he's blaming Congress.

The three-year program was supposed to help 400,000 borrowers avoid foreclosure. But it has attracted only 312 applications since its October launch because it is too expensive and onerous for lenders and borrowers alike, Preston said in an interview.

''What most people don't understand is that this program was designed to the detail by Congress,'' Preston said. ''Congress dotted the i's and crossed the t's for us, and unfortunately it has made this program tough to use.''

The criticism comes as Congress prepares to weigh in with further plans to help distressed borrowers facing foreclosures, which are at the root of the financial meltdown. This week, House Speaker Nancy Pelosi (D–Calif.) demanded that the Treasury Department use some of the money from the $700 billion emergency rescue package to help at-risk homeowners.

One of several federal and state foreclosure prevention initiatives facing difficulties, HUD's Hope for Homeowners program has been especially hamstrung. For instance, a program launched by the Federal Deposit Insurance Corp. on behalf of IndyMac Bank customers has modified more than 3,500 mortgages in two months of operation.

Rep. Barney Frank (D–Mass.), who helped steer the HUD program through Congress, said some of the federal bailout money should be used to revamp it. Frank acknowledged the initiative has its problems, but he blamed them on the Bush administration.

''That's partly their fault,'' said Frank, chairman of the House Financial Services Committee. ''The administration was critical of the program and kept putting pressure on us to make it cheaper and more restrictive. . . . If it hadn't been for the Bush administration's opposition, we would have written it in a better way in the first place.''

The goal of the program, run by the Federal Housing Administration, was to allow borrowers who owe more than their homes are worth to refinance into more affordable 30-year fixed-rate mortgages insured by the government.

But part of the problem is that the program's success hinges on the lenders' willingness to participate.

Congress originally allowed the FHA to insure new loans for only 90 percent of a home's value. With home prices plunging, borrowers who have little or no equity in their homes and cannot otherwise come up with the remaining 10 percent qualify only if the lender forgives this balance. Lenders balked.

Late last month, Congress granted HUD permission to increase the amount that's insured and the department decided to guarantee up to 96.5 percent of the value of new loans. Preston in the interview praised that change. But its impact remains unclear.

''Getting the lenders to agree . . . has been our biggest challenge,'' said Peyton Herbert, director of foreclosure services at HomeFree USA, a housing counseling firm in Hyattsville. ''They want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment.''

The list of impediments goes on. Borrowers who participate in the program must pay hefty fees and high interest rates, and they must split any increased value with the federal government when the home is sold.

''You're paying a premium to borrow the money already, and that ought to be enough,'' said John Taylor, chief executive of the National Community Reinvestment Coalition. ''To me this falls into the category of, we want your firstborn.''

A further hindrance: The mortgage payment must exceed 31 percent of a borrower's income as of March, which does not help people who have since fallen into trouble.

Add to that the fact that borrowers must also provide two-years of financial records and sign a statement that they did not give false or misleading information on their original loan application and the bar gets even higher. It becomes even more difficult to attract borrowers who took out loans without verifying their income.

''How do you do that?'' Preston said. ''That was legislated.''

For all those reasons, FHA Commissioner Brian Montgomery said he got an earful from agitated lenders, housing counselors and real estate agents at a seminar last month in Atlanta designed to educate housing professionals about the Hope for Homeowners program.

''What we thought would be a civil and cordial exchange with the several hundred people gathered turned into an almost rock-throwing episode,'' Montgomery said.

He said Capitol Hill lawmakers were hampered by a philosophical divide within their ranks when they cobbled the program together and that led to a compromise that made little sense.

''There were two philosophies on the Hill: Let's throw the barn door open and help as many people as we can regardless of the reasons. Or we need to make them pay because they should have known what they were doing,'' Montgomery said. ''They found some middle philosophical ground, but that philosophical middle ground made [the program] unworkable.''

Montgomery complained that any minor adjustment to the program must be passed through an oversight board, which further slows the FHA's response time.

Frank called Montgomery's assessment of Congress's handling of the legislation ''dishonest.''

As for oversight, he said the board is made up of Bush appointees. ''Shame on them if that's the problem.''

Frank acknowledged, however, that concessions had to be made to make the program palatable to the American public. This is why borrowers who take part in it must share any gains from appreciation in home values with the government.

''You're not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home,'' Frank said.

Frank provided a letter he wrote to Treasury Secretary Henry M. Paulson Jr. in late November urging him to use the bailout money Congress approved for rescuing the financial markets to reduce the upfront and annual fees, because these are reducing use of the Hope for Homeowners program.

In another letter to Paulson, Preston, Federal Reserve Chairman Ben Bernanke and FDIC Chairman Sheila C. Bair, Frank made a few more suggestions and praised HUD's decision to increase the proportion of loans that the FHA can insure to 96.5 percent from 90 percent.

But yesterday, he said the FHA's leadership in these trying times has been a ''disappointment.''

Montgomery said Frank's ire at his agency is misdirected. ''Barney Frank may have a beef with some of the Republicans,'' he said, ''but he shouldn't have a beef with us.''

I would ask how much time is remaining on our side.

The CHAIR. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. How much time on the other side?

The CHAIR. The time is expired.

Mr. FRANK of Massachusetts. Then I would yield my remaining time to the gentlewoman from California, who has been the House leader in fighting foreclosures.

Ms. WATERS. Thank you so much, Mr. Chairman, and Members.

I had to come to the floor in defense of the Hope for Homeowners Program, simply because I think that the

gentlelady from Minnesota does not understand this program, just as she has demonstrated that she did not understand the subprime meltdown and the problems that caused us to be in this economic crisis based on statements that she made earlier.

I am here to not only give support to the Hope For Homeowners Program and oppose her amendment, but I would like to remind our Members that one in six American homeowners is currently under water on their mortgages, owe more on their home than it's worth, and Hope For Homeowners is a critical program for struggling homeowners who are under water on their mortgages. The principal write down in home for homeowners is key to helping families get into more affordable homes.

If this program is not changed in this bill, foreclosures would continue to rise. In 2008, foreclosures were up a record 81 percent with 861,664 families losing their home to foreclosure. Credit Suisse estimates that 8 million American homes will enter foreclosure in the next 4 years.

It's one thing to object to programs even when the chairman was trying to work with everybody and getting their input and taking their suggestions, which led to the original bill.

But to have objection now to improving the program, based on information we have gotten from the Federal Reserve, who suggested precisely the amendments that are being done, is just not understandable.

I would ask my colleagues to disregard the attack on the Hope For Homeowners Program by the gentlelady from Minnesota and support homeowners and one more effort to keep homeowners in their homes, recognizing that many of them are under water now, precisely meaning that they are not worth what they contracted for in the mortgage that they have.

I think that we should be understanding of that. I think we should be supportive of homeowners being able to work with their lenders to get a writedown and to have these mortgages modified or refinanced through FHA so that they, again, can keep their homes.

The CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

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

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that amendment No. 6 will not be offered.

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

The CHAIR. The gentleman is recognized.

Mr. FRANK of Massachusetts. Because I was confused before by the Rules Committee report misprint, what's the amendment that's not going to be offered that was to be offered by whom?

The CHAIR. The amendment is amendment No. 6 offered by the gentlewoman from Minnesota.

Mr. FRANK of Massachusetts. Parliamentary inquiry. Is that the one that would have stricken the aid for the automobile industry?

The CHAIR. The Chair is not aware of the content of the amendment.

Mr. FRANK of Massachusetts. But amendment No. 6 as printed now, as we understand it, is the one that would strike aid to the automobile industry. So we understand that will not be offered?

The CHAIR. Amendment No. 6 will not be offered.

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–3.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

Page 74, after line 17, add the following new title (and conform the Table of Contents accordingly):

TITLE VIII—AGENCY MBS PURCHASE PROGRAM DISCLOSURE

SEC. 801. DISCLOSURE REQUIRED.

Not later than 1 month after the date of the enactment of this Act, the Chairman of the Board of Governors of the Federal Reserve System shall issue to the Congress a report disclosing—

(1) the details of the competitive request for proposal process that was used to select the investment managers of the Federal Reserve System's Agency Mortgage-Backed Security Purchase Program announced by the Federal Reserve System on November 25, 2008;

(2) all details of the contracts, including contract price, made between the Federal Reserve System and such investment managers; and

(3) steps that each such investment manager has taken to ensure that the investment manager has appropriately segregated the investment management team that implements the Agency Mortgage-Backed Security Purchase Program from other advisory and propriety trading activities undertaken by the investment manager and the members of the investment management team.

The CHAIR. Pursuant to House Resolution 62, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, last fall we had to take emergency action to try and stop the falling stock market and weakening credit markets. But I was not pleased when it took a subpoena threat to force financial institutions to release program details about the TARP, the Troubled Asset Relief Program.

Mr. Chairman, most folks in America are not aware, but the Federal Reserve, shortly before Thanksgiving, announced a half a trillion dollar effort to purchase MBS, Mortgage-Backed Securities, and contracted with four outside investment firms to manage it.

With another $500 billion, half a trillion dollars at stake, Mr. Chairman, we cannot let or allow history to repeat itself.

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We demand the details of the Fed's MBS program, and it is our duty to demand the information about how the Federal Reserve will run this program.

For example, the Fed has refused to make clear details about how they chose the four firms and who will manage the purchases. They have refused to share how much those firms are getting paid. And it is still unclear what steps have been taken to ensure strict conflict of interest provisions are put in place so that these four firms are not given an unfair market advantage because of their role in the mortgage backed securities program. Despite half a trillion dollars at stake, Mr. Chairman, there are still too many things we do not know.

Mr. Chairman, my amendment is simple. It will force the Fed to do three things.

First, it will force the Federal Reserve to disclose the details of the request process used to select the investment managers.

Second, it would force the Fed to disclose the details of the contracts reached with these four investment managers, including price.

And, third, it will force the Fed to disclose the steps that each investment manager has taken to ensure that the program is free of conflicts of interest or an unfair advantage.

Despite many requests from my office and news organizations, we have been unable to get the information relating to these contracts. With $500 billion and the public trust at stake, this information is not too much to ask or an undue burden on the Federal Reserve.

I urge my colleagues to support my amendment.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GARRETT of New Jersey. I yield myself 3 minutes.

I think the intention and the language of the amendment is good, and I support the amendment to the underlying bill. There are just two points I want to make.

First of all, to the chairman, I support his comments the other day in committee when we had the Federal Reserve folks there when he said that he is going to be conducting hearings on the Federal Reserve come February. At that time I asked Mr. Cohen from the Fed if any of the provisions in the bill that we were looking at or discussing at the time, we didn't actually have the bill before us as a committee markup, would any of these provisions apply to the Fed as far as the way they conduct themselves in the future, and his answer was in essence no. What you are trying to do now is to at least put something in this legislation to apply to it.

I commend the chairman for saying that we need to do a further investigation on the Fed on their expansive growth of power and authority and their use of it.

With that said, my only regret is that this type of provision was not included in the first TARP, because, once again, as I have said before and others have said on the floor as well, we have already spent $350 billion. Now, it wasn't on an asset acquisition program, but that is what the initial bill was intended to be. The initial TARP was a program to buy up toxic assets from the banks, and had we gone through regular order at that time, we could have had language in the original TARP bill to say that language like this, full disclosure, regulation on how everything is performed and who the managers are and so on and so forth, could have been done in the first TARP 1.

Unfortunately, that wasn't done. We rushed through the process at that time. We rushed through without a full hearing on it, we rushed through without a markup, and we were not allowed, and I assume the gentleman was not facilitated with, an opportunity to offer such language in the first TARP 1 at that time, not necessarily with regard to the Fed as here, but with how TARP 1 would spend the money and how TARP 1 would be looking for the same accountability.

I will close on this, just saying I commend the gentleman here. I will support his amendment and hopefully look forward to working with the chairman in February to have those hearings with regard to the Fed to get this job done thoroughly.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I appreciate any colleague from New Jersey's support of our bill and the effort for transparency and accountability.

At this time, Mr. Chairman, I would like to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman. It is a very important amendment.

The suggestion by the gentleman from New Jersey that if this had been put forward by a Member in September it would have been rejected has no basis. A number of Members did put forward changes at that point which we accepted. I think the reason this did not come forward is this: This is here because it is tied into the TARP. I should say that this is as much as can be done, and I commend the gentleman for his initiative. We need to do much more with the Federal Reserve.

Last September, the Federal Reserve and the Treasury came to us, congressional leadership, the leadership of the committees, and said the Federal Reserve is going to give $80 billion to AIG. I asked Mr. Bernanke if he had $80 billion. He said, ''I have $800 billion.''

We had not previously focused on a statute from the thirties that gives the Fed of the ability to lend money it has control of to any entity where he thinks it is sufficiently collateralized. That has much moved since September, only since September. We were very shortly out of session. That is why in early February we will have a hearing in which we will ask the Fed to account for all of this.

Now, we are able to do this here because part of the Fed's program is collateralized to some extent or capitalized by the TARP so we have a hook there. The reason this wasn't offered in the fall, my guess is that nobody at that point anticipated that the Fed would be in conjunction with the TARP capitalizing this.

By the way, I also accept the compliment about this process. We have been told that we were doing this too quickly, exactly as we did too quickly last time. But the fact this amendment is before us contradicts that. A large number of amendments have been put forward, because this has been in discussion in the House for some time.

So we could have done it in September. Nobody anticipated at that point, at least we did not, the extent to which the Fed would mushroom in this case. My guess is they didn't either, that they had a more optimistic view of the economy.

At any rate, this does a good job of giving us this information where there is a linkage between the Federal Reserve and TARP money. But that is not enough. The gentleman has done the most that we can do in this bill.

Beginning in February we will start having hearings, and I do believe, yes, we have to examine the enormous grant of power given to the Federal Reserve under this statute from the Depression. It has been very rarely used. It was used I think in one of the financial crises of the nineties.

This is a phenomenon that really grew. So Members will understand, when the Federal Reserve granted $29 billion to the creditors of Bear Stearns, we thought that was a lot of money at the time. It turns out to have been a rounding error in what they are doing. So, yes, it is time for us now that they have mushroomed this, and I don't say this critically, we have to look into it.

The CHAIR. The gentleman's time has expired.

Mr. GARRETT of New Jersey. Again, I support the gentleman's underlying amendment and will support the vote on it. But as I hear the chairman's comments, I am sitting here with regard to the idea that amendments were allowed, that this could have been done through TARP 1 through an amendment.

I am sitting hear racking my brain. To the best of my knowledge, there were no amendments that were going through on the floor on this at this time, so the gentleman or myself would not have been allowed to do that, and I know that we did not have a hearing or a markup in committee on TARP 1, so there was absolutely no possibility at that time for the chairman to entertain either your amendment or my amendment or anyone else's amendment. Of course, we didn't have a markup, so there was not an opportunity for either one of us to confer.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT of New Jersey. No, I will just close on my point.

There was not an opportunity during the first go round with TARP 1. There may have been ideas discussed, there may have been ideas that were floated up and down and with the chairman's discussions with the White House and what have you as to which is the best way to implement TARP 1 and what have you. But to the best of my knowledge, there was no committee hearing, there was no markup, there was no avenue for us to make formal amendments during the regular course of progress during that sequence of time, and that is the unfortunate aspect of this.

Yes, I support the amendment. Yes, I will be working with the chairman on the work with regard to the work with the Fed. But no with regard to the process we have gone through in the past; no with the opportunity of anyone from either side of the aisle to have an opportunity to enter amendments, discussion or otherwise in the committee meetings, since there was no markup, neither on the floor as well.

Finally we are beginning to go in the right direction as far as allowing amendments, but we are still not going in the right direction as far as allowing full committee meetings.

We still are not going in the right direction, where we would be allowed to have a full committee hearing on this, where we could have vetted this and the other ideas that had come before. The gentleman from New Jersey, for example, had what I thought was a good idea, and had we had the opportunity there to vet that through process, we probably would be standing right here now and supporting that and getting that in this bill as well.

If this House would only go by the rules of the House and regular order, we would be doing better for the American public. We would be passing legislation that would be protecting the

American taxpayer. We would be passing legislation actually providing for the transparency and accountability I think that both of us want, both on the original $350 billion and on this $350 billion.

We have not done that, unfortunately, in the past, and, unfortunately, quite candidly, we are not doing that that here as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

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

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–3 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. FRANK of Massachusetts.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mrs. BACHMANN of Minnesota.

Amendment No. 7 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 152, not voting 12, as follows:

[Roll No. 19]

AYES—275

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Camp
Campbell
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—152

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Carney
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Doggett
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Taylor
Terry
Thompson (PA)
Thornberry
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bordallo
Boucher
Christensen
Diaz-Balart, L.
Faleomavaega
Sablan
Sessions
Sestak
Shuler
Snyder
Solis (CA)
Sullivan

□ 1337

Messrs. HOLDEN, CRENSHAW, MCINTYRE, and CASSIDY changed their vote from ''aye'' to ''no.''

Messrs. WATT, HOEKSTRA, OLVER, and Mrs. BIGGERT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. ZOE LOFGREN of California was allowed to speak out of order.)

ANNOUNCING THE BIRTH OF MOLLY HANNAH SHERMAN

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to make a very happy announcement.

Our colleague, Congressman BRAD SHERMAN, and his wife, Lisa, had their first child last night—a beautiful baby girl. Molly Hannah Sherman is 7 pounds, 15.6 ounces. I am pleased to report that mother and baby are doing splendidly and that the father is expected to recover.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 14, as follows:

[Roll No. 20]

AYES—151

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Cole
Conaway
Culberson
Cummings
Davis (KY)
Diaz-Balart, M.
Dreier
Duncan
Ellsworth
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—274

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Rohrabacher
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—14

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega
Rush
Sablan
Sessions
Sestak
Shuler
Snyder
Solis (CA)
Sullivan
Terry

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1347

Messrs. FRANK of Massachusetts and OBERSTAR changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 282, not voting 15, as follows:

[Roll No. 21]

AYES—142

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega
Moore (WI)
Rush
Sessions
Sestak
Shuler
Snyder
Solis (CA)
Sullivan
Terry
Tonko

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remaining in this vote.

□ 1354

Mr. DANIEL E. LUNGREN of California changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TONKO. Mr. Chair, on rollcall No. 21, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 13, as follows:

[Roll No. 22]

AYES—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega
Rush
Sessions
Sestak
Shuler
Snyder
Solis (CA)
Sullivan
Terry

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1403

Mr. MORAN of Virginia changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MORAN of Virginia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BERKLEY) having assumed the chair, Mr. SALAZAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday, the House is not in session. Monday is the Federal holiday to celebrate the birthday of Martin Luther King, Jr. I might observe, as I am sure all the Members know, that today is in fact Martin Luther King's birthday, January 15. Extraordinary life. His bust is in the Rotunda. It is a real honor to be able to honor his birth and his message and his vision on Monday.

This is a particularly auspicious recognition of the life of Martin Luther King, Jr. How proud he would be to know that the day after we recognize his birth and his message and his contribution to our country, we will inaugurate the 44th President of the United States of America, an African American; a statement that the dream, although not clearly still fully recognized, nevertheless is a dream shared by all of America.

On Wednesday, Madam Speaker, the House will meet at 12 p.m. for legislative business with votes no earlier than 3 p.m. Let me reiterate that. We will be meeting on Wednesday at 12 p.m., with votes not expected before 3 p.m. Obviously, with the inaugural day, we don't want to have people have to come in too early, not necessarily because of anything they may be doing the night before, but because of scheduling they may or may not be here the night before.

On Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the close of business tomorrow.

In addition, Madam Speaker, we will complete consideration of H.R. 384, the bill we were just considering, the TARP Reform and Accountability Act, we expect to complete. We also expect to consider a privileged resolution relating to the disapproval of the obligations under the Emergency Economic Stabilization Act of 2008.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

And I would like to bring the gentleman back to a conversation that we had last week regarding the SCHIP bill. Because, frankly, Madam Speaker, I'm a little bit concerned that the Democrat majority is not fulfilling President-elect Obama's calls for bipartisanship. Because I would say to the gentleman, last week you told the House that you were working towards having the SCHIP bill available to us for a full 48 hours before bringing it to the floor; and as the gentleman knows, that did not happen.

And I know the American people are not concerned about the process here in this House, but I do know that the public wants their Congress to function openly. This truly is about bipartisanship and transparency, and I believe that the American people deserve both.

And as we discussed, Madam Speaker, last week, there are 55 new Members of this House. Those 55 new Members had less than 24 hours to review a 285-page bill that spent $72 billion in American taxpayer dollars, and none of these Members were even allowed to offer an amendment.

So I would like to ask the majority leader if he would commit to allowing at least 48 hours for Members and the American public to review bills prior to a vote in the House.

Mr. HOYER. If the gentleman will yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding and I appreciate his observation.

I did say we were going to try to give 48 hours. I may have said we were going to give 48 hours, but we did not give 48 hours, the gentleman is correct. The gentleman probably knows the reason we didn't give 48 hours is because we hadn't gotten a CBO scoring, so we were unable to finalize the bill until we got that scoring. We did give approximately 24 hours.

But I say to the gentleman, with all due respect, yes, it was a lengthy bill, but of course the bill had been passed almost in exactly the same form either in the CHAMP bill or in the SCHIP bill itself, so that clearly the overwhelming majority of the text of the bill and the provisions of the bill have been available essentially for over a year.

But having said that, I want you to know and I want to reiterate my intention to give the maximum amount of notice; 48 hours I think is clearly a target that we want to set. I don't want to make a commitment that we will not bring a bill without 48 hours notice. The gentleman, if you would confer with your predecessor—his predecessors, I would say—sometimes it's very difficult to do that.

But the gentleman is absolutely correct, not only new Members, but all Members are certainly entitled to have the respect for their view and their opportunity to represent their constituents, to have appropriate notice, and we will certainly strive for that. I've reiterated to the committee Chairs and to our leadership that I want to follow regular order to the extent possible. And when I say the extent possible, we're in extraordinary times. This did not necessarily relate to the SCHIP bill, other than we had clearly considered that twice, had it voted upon numerous times in this House, and the overwhelming majority, I don't know the percentage, but I would say 95 percent of the bill was exactly as we had passed it in either the CHAMP bill or the SCHIP bill. But I am aware of the gentleman's concerns, and I want to tell him I share his concerns, and we will be working toward the end that he seeks to achieve.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would also ask the gentleman if he would commit to allowing both Republicans and Democrats the ability to offer amendments on a regular basis, especially as, in this instance, when a bill comes to the floor without committee consideration.

Mr. HOYER. I understand the gentleman's concern. As you know, we are now considering a bill which has both Republican and Democratic amendments, very important bill, conditions for accountability and transparency and dealing with mortgage failures in the present bill that's on the floor. And certainly that will be my objective.

□ 1415

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would like to further inquire of the gentleman, along those lines, I know that we now are looking at next week, as you suggest, beginning the legislative process on the consideration of a stimulus bill. And I would note that two of the gentleman's chairmen, the gentleman from New York (Mr. RANGEL) and Mr. OBEY from the Appropriations Committee, have released summaries of the House Democratic economic recovery package. However, both gentlemen have not publicly released legislative texts. And I would say to the gentleman it is one thing for us to have a summary of the bill; it is another when we are contemplating spending $825 billion of the taxpayers' money as to when the text of a reported stimulus bill could be made publicly available.

Mr. HOYER. I would hope and expect the text to be available by the end of business tomorrow. I'm very hopeful that that will be the case.

Again, you understand the practical problems as they are now drafting all of the agreement. But we want it available, and hopefully the text will be available by the end of the week.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I further say that the Appropriations Committee on the Republican side of the aisle are extremely concerned, and they should be, that they will not be given the customary 3 days to review the text prior to any markup, and this is, after all, the committee rule. Our members are being told that today, Friday, and next Tuesday will count as the 3 days required under the committee rules; however, as we all know, on Tuesday almost no one will be allowed in the building due to the inauguration.

So, Madam Speaker, I ask the gentleman from Maryland, the majority leader, in his capacity as the leader and a former appropriator, can he ensure us and ensure the members of the Appropriations Committee that their markup will not begin before next Thursday?

Mr. HOYER. I cannot give the gentleman that assurance given the time frame that Mr. OBEY is on. Obviously, as you know, the President and I think

in a bipartisan way this administration, without reference to the specific stimulus package or recovery and reinvestment package that we're talking about, believes that we need to act with dispatch. We need to act carefully. We need to act correctly. But we also need to act with dispatch.

I have just been told, by the way, that the text of the bill is online as we speak. So what I was going to say is that we need to act with dispatch, and as you can see, we're apparently doing that.

We have a crisis that confronts us. We have lost over 2.5 million jobs. We lost a million jobs in the last 2 months. People are hurting. We have and I know of you have a sense of urgency. We have worked with this administration to try to respond to the economic crisis that confronts us. Very frankly, Democrats worked in a very bipartisan way and a very supportive way with this President and the Secretary of Treasury in trying to respond to this crisis. As a matter of fact, I would suggest that Democrats were more responsive to the President's request and Secretary Paulson's request than some Members of his own party.

But that aside, we believe we need to act, as I said, with dispatch. We are doing that. I'm glad that this is online because now the committee will have Thursday, Friday, Saturday, Sunday, Monday, and Tuesday. Clearly while one may not be able to get into the Capitol, although I would be surprised if the Appropriations staff could not get in the Capitol, and I don't want to adopt that premise because I don't know that to be the case, but in any event, the text will be obviously available to anybody all over the country to look at, to comment on, and to be prepared to act on at the appropriate time. In addition to that, every Member now will have at least 1½ weeks to review the text of this before it comes to the floor.

Mr. CANTOR. I thank the gentleman for his remarks. I know that it's not customary for us to count holidays and weekends in those 3 days, but I do thank the gentleman for the intent of his remarks.

I would like to turn, Madam Speaker, to the issue of committee ratios. And I do know that there has been some progress made on the Energy and Commerce Committee. Essentially, Madam Speaker, my question to the gentleman is the ratio on the floor of the House is 59/41. And I am, as a member of the Ways and Means Committee, particularly puzzled how there is any justification for a ratio particularly on that committee where it is 63/37. And if he could allow me some insight as to how a ratio could be that different and what the reason for that would be.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Yes, I yield.

Mr. HOYER. I thank the gentleman for yielding. I didn't know you were going to ask that question; so I don't have the specific facts in front of me. But it is my belief that the Ways and Means Committee has historically had a ratio, when your side of the aisle was in charge and my side of the aisle has been in charge, that did not reflect the exact ratio of the House. That's also true on a couple of other committees as well.

Generally speaking, however, in the discussions between Speaker PELOSI and Leader BOEHNER, the ratios were within a point or 2, I think, of the existing ratio. I know that we recently accommodated a request from the leader, from your leader, on the Energy and Commerce Committee, which I thought was appropriate for us to do. But I think, generally speaking, it reflects pretty closely the ratios between the parties in the House. But I think if you will look historically, and again I regret that I did not look it up, but I think historically the Ways and Means Committee has generally reflected a greater majority membership than the specific ratio of the parties on the floor of the House.

Mr. CANTOR. And I do say to the gentleman we appreciate the gesture on the part of the Speaker working with our leader to accommodate this disparity in the ratio on the Energy and Commerce Committee and hopefully in that spirit can continue to work together to try to slim down that disparity on the other committees in which it does exist.

Lastly, Madam Speaker, I would like to clarify what action the House will be taking next week on the bailout funds. As the majority leader has stated, he expects the House to vote on a resolution of disapproval. More plainly, for all the people of this country, this is a bill to block the remaining $350 billion in bailout funds from being spent.

So to clarify again, Madam Speaker, I yield to the gentleman to respond to the statement that voting ''yes'' would block the bailout funds and voting ''no'' would allow the bailout funds to continue to be spent; is that correct?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman is correct. In the legislation which was passed pursuant to the request of President Bush and Secretary Paulson authorizing the TARP, they had asked for, as you know, $700 billion in one lump sum. We believe, the majority on both sides of the aisle believe, that that ought to be at least in two tranches, two segments of $350 billion. The legislation provided that for the second tranche to go forward, the President would have to ask for it. President Bush has now asked for that $350 billion, and that the Congress would have immediately before it within 3 days the introduction of a resolution of disapproval of the request and that that would have to be considered. Any Member 6 days thereafter could ask that that resolution be brought to the floor. Now, in this case 6 days thereafter would have been Sunday; so that would have been not appropriate or practical; so we put, as you know, in the rule the ability of the majority leader to call it up next week.

The legislation does not provide for the issue becoming moot. Now, what I mean by that is I don't know whether the Senate has voted—they may vote tomorrow. They obviously began procedurally on their resolution of disapproval today. If that resolution is not passed, then our action would be essentially without meaning but not necessarily without importance to the Members who want to vote on it, so that sometime next week, Wednesday or Thursday, my expectation is that we have Members who will want to vote on it. I will be discussing it with your side. I will discuss it with you and discuss it with our side bringing that to a vote, notwithstanding the fact that the Senate may make such a vote not a meaningful act in that President Bush's request would have already been sanctioned because both Houses need to disapprove and if the Senate didn't disapprove, our action will not effect a disapproval.

Mr. CANTOR. So I ask a follow-up, Madam Speaker, to the gentleman that the process for consideration of that resolution is yet to be determined?

Mr. HOYER. My expectation is we're going to have it on the floor next week. Members on both sides want to vote on it, but as I said, it will not have any legal effect if the Senate defeats the resolution of disapproval.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Maryland, the majority leader.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20.

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

There was no objection.

TARP—AIG

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

Mr. CROWLEY. Madam Speaker, today, the House began consideration of legislation to strengthen the Troubled Assets Relief Program. Implementation of this legislation is urgently needed, and here's why:

Just last week AIG pulled back on a plan that would have cost taxpayers $93 million. What prompted AIG to cancel its proposal? Three phone calls, none of which came from the Bush administration. They came from myself and Congressman PAUL KANJORSKI of Pennsylvania. AIG is just one example.

The Bush administration has been asleep at the switch throughout our economic recovery efforts. They have failed to monitor the actions of the companies and banks that have received Federal support through TARP; they have failed to place real caps on the excessive pay of corporate CEOs who take taxpayer money; and they have failed to ensure taxpayer-lent funds are being wisely spent.

Starting today our efforts to put our Nation's economy back on the right track will be taken in a new direction. With consideration of H.R. 384 and the start of the Obama administration, accountability and oversight will now govern TARP. After 8 years it is a new beginning for our country, and it couldn't have come at a better time, on the same day the Bank of America is seeking billions more in Federal assistance.

Reform is what the American people deserve because it is their money on the line.

WELCOMING THE IOWA NATIONAL GUARD TO WASHINGTON, DC FOR THE INAUGURATION

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

Mr. LOEBSACK. Madam Speaker, today, I would like to highlight the special role the Iowa National Guard will play in the historic inauguration of President-elect Barack Obama.

Approximately 1,000 Iowa National Guard troops, including 140 from my district, will join 6,000 other National Guardsmen and women from seven States to assist in the inaugural events. This historic trip to Washington, DC marks the first time in its 170-year history that the Iowa National Guard has participated in a presidential inauguration.

I have had the honor of meeting many of Iowa's citizen shoulders both at home when they have responded to natural disasters such as last summer's floods and abroad in Iraq and Afghanistan. They are some of Iowa's finest citizens and some of the finest troops in our military services.

I would like to extend a warm welcome to my fellow Iowans as they arrive in Washington. I am deeply proud of the role they will play in this historic event.

□ 1430

FEDERAL TAX CREDITS FOR STUDENTS AND THEIR FAMILIES

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

Mr. DOGGETT. Madam Speaker, since the broad outlines of economic recovery legislation were first announced, Representative TOM PERRIELLO and I have been working with our colleagues to see that that legislation was strengthened to include additional assistance for students and their families, students who deserve all the education that they are willing to work for.

Today we are pleased to announce success. The legislation that will be filed to improve and strengthen our economy at this time of economic downturn will include about $12.5 billion in new federal assistance over the next 2 years in the form of federal tax credits. These tax credits will be expanded to include textbooks and course materials. They will help now so that every family that is spending a dollar on higher education this year will know they will get that dollar back, up to $2,500 next year when they pay their tax return.

For the first time in history, this will be a refundable credit, as we proposed it, so that families making less than $40,000 a year, who did not qualify for the full credit in the past, will now be entitled to get up to $1,000 of their expenses. At a time of economic downturn, this is the time to support our students and their families. Help them and help rebuild our economy.

NATIONAL DRUG CONTROL STRATEGY FOR 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–7)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs and Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ATTAIN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to introduce the Achievement Through Technology and Innovation Act of 2009.

The 111th Congress begins in an era of continued shrinking school budgets, overcrowded schools, and overextended teachers. On an individual and on a national level, these factors have dire consequences. The individual consequence is that millions of American children may never realize their full potential or the promise of the American dream.

The national consequence is that our country loses the benefits of our children's talents and their potential to become our Nation's next generation of leaders in education, science, law, research, economics, engineering and all the key disciplines that have helped to make our Nation the greatest in the world.

While there is no easy or single answer to the complex problems of education in our country, there are steps we can take now to put us on the path toward a quality education for all our children. One such step is to make technology literacy a priority and an integral part of every educational system in the country.

From credible studies, we know technology can have a tremendous positive impact on student learning. This is especially evident in low income and minority communities where students are vulnerable to falling behind and learning 21st century skills critical to individual success and to America's success in today's world economy.

Whether preparing for college or going directly into the workforce, students are increasingly required to have the high-tech skills employers and the world market continue to demand.

Therefore, it is a tragedy that in the United States today we have high dropout rates that exceed 50 percent and school districts that cannot keep up with the technology needs of their students. Passage of the ATTAIN Act will help us to address these serious problems.

For example, at the School for Global Studies in my district, I had the opportunity to see firsthand the benefits and the life-changing impact teaching with technology has on a child's life.

While touring the school, I met some of the students who confided that if it were not for the meaningful technology program at Global Studies, they probably would have dropped out of school and ended up in some serious trouble. Instead, these students are excited about learning and excited about their future.

The excitement and the hope students feel at Global Studies is what every child in our country deserves to feel about their education and the promise of their future. The ATTAIN Act will help to make that possibility a reality for all our children.

The ATTAIN Act would amend the Enhancing Education Through Technology program and the No Child Left Behind Act. Currently, the No Child Left Behind Act allocates 50 percent of technology education funds to schools with disadvantaged students through formula grants. The ATTAIN Act would increase that percentage to 60 percent. This funding would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology based, reform initiatives that have been proven to increase student achievement.

Madam Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to address and to lead our country to meet the challenges of the 21st century. We have already lost the untapped talents of thousands of our young people.

Passage of the ATTAIN Act will help to reverse this tremendous loss of unrealized potential.

I urge my colleagues to cosponsor the ATTAIN Act and help with its passage.

BAILOUTS, TARP AND STIMULUS PACKAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Madam Speaker, there is a lot of talk these days about rescue plans and bailouts and TARP and stimulus packages. Let's take a minute to reflect on what has happened. Back in October we passed, and the President signed, a rescue plan which created the Troubled Asset Recovery Plan, so-called TARP.

There are those here on both sides of the aisle who believe that that didn't help, that that didn't do anything. Well, you know, you never get credit for bad things that don't happen.

Let me assure you, Madam Speaker, that the financial system of this country was on the verge of collapse, and we averted that collapse because of two things, because of the unprecedented and aggressive monetary action of the Federal Reserve, but also because of the rescue plan and the TARP that we passed and deployed back last October.

Now, you say, however, you averted financial collapse, but what's going on now? Look at unemployment, look at the economy.

What we were trying to avoid then was literally the collapse or the lack of function of our financial system and our financial structure. It was about to implode and to stop working at all.

It is still working, not as well as it should, not normally, but it is still working, and it gets a little better every day.

But we knew at the time, and said at the time, that the damage that had been inflicted at that point was going to start to affect employment and start to affect economic growth, and, in fact, it has.

We now know that millions of people have lost their jobs, lost their homes, or lost their businesses. More people are losing their jobs, their homes and their businesses every day.

The economy continues to sink and we don't know where the bottom will be. We can't see it at this point.

So what are we doing now? What is the purpose of all this economic discussion we are having now? Just one thing, we can't stop the recession, it has already happened, we are already in it. We can't retroactively go back and get the homes and the jobs in the businesses that have already been lost.

But what we do want to do is to make this recession as short and as shallow as we can. If we do nothing, the recession will end at some point, as all recessions do.

But if we can have it end sooner and save millions of people their jobs, their homes or their businesses, then we should do so.

□ 1445

So I believe we should act, and the first thing we should do is to continue the successful TARP program.

Now, some people say, well, it wasn't successful, because, look, we invested all this money in banks and they haven't started lending. In fact, much of the reason that they haven't started lending is because the financial condition of the banks is much worse than we all thought they were back last October. The money the banks got from the Federal Government merely enabled many of them to keep their current functions, but not to expand lending.

The additional money, which I think should be leveraged with private capital, in other words, a bank should only get future Federal Government TARP money if they go out and raise a matching amount of private capital so that we get more and more money in the financial system, such that they can have the capital from which they can begin to lend again.

And then there is the talk of a stimulus package, and I think we should have one. Again, I think the consequences of inaction are going to be very severe on this economy.

But there is one thing that the stimulus package should do. It should actually stimulate the economy, and do it quickly. If we wait a year or 18 months, the economy will probably find its own bottom. It will be a bad one, but it will find its own. What we need to do is things, stuff, that will take effect and have an impact in the next 6 months, largely, 1 year at the most, so we can prevent the loss of as many jobs and homes and businesses as we can.

Now, many people on both sides of the aisle are bringing up the same things and priorities that we all do, and that is great. I am a Republican. There is lots of tax cuts I like as a Republican. I know there is a lot of spending that Democrats like, and there is good arguments to do some of both. But we have a patient who has pneumonia, and if you say you should eat right and exercise, yes, you should. Eating right and exercise is always good. But if you have pneumonia, you need antibiotics, and telling the patient to eat right and exercise won't cure their pneumonia, and we need to cure the pneumonia first before we can eat right and exercise.

So we need things that are directly targeted towards the next 6 months in creating jobs, and one of the things I think we should do is look at the demand side of things. People are scared. People are afraid. Even people with jobs, with plenty of security. We should be stimulating people to buy homes and cars, and doing it quickly.

FORENSIC ACCOUNTING OF WALL STREET BANKS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I am glad I was here on the floor to respond to the prior Member who felt compelled to say that he thought the Wall Street bailout was working. I would like to know what evidence he has to prove that, since we have no forensic accounting of what the Wall Street banks that got all this money did with the money. Maybe he has some special access inside these institutions and can provide it to the RECORD, because I will tell you what happened yesterday.

I went before our Rules Committee and I proposed a very simple amendment. My amendment was that before we give one more dime of the people's money, we require the Treasury to do a forensic accounting of every bit of money that was sent up there to Wall Street. And I was denied my amendment.

There is no Member of this Congress that can say with accuracy, including the gentleman who just spoke, that he knows where the money is, because, you know what? They haven't told us. All you know is what you have read in the newspapers, and how can we extend more money from the American people when we don't even know what happened to the money that went out the door?

So you can say whatever you want and create a fiction, but the fact is that foreclosures are going up across this country. That bill that was passed last year was supposed to help people hang onto their homes. In Ohio, foreclosures have gotten worse every month.

What I am telling people right now is, stay in your homes. If the American people, anybody out there is being foreclosed, don't leave, because I will tell you what. If you had a smart lawyer like those banks up there on Wall Street can get, they would take you into court and they couldn't find the mortgage. They couldn't find the mortgage.

So why should any American citizen be kicked out of their homes in this cold weather? In Ohio it is going to be 10 or 20 below zero. Don't leave your home. Because you know what? When those companies say they have your mortgage, unless you have a lawyer that can put his or her finger on that mortgage, you don't have that mortgage, and you are going to find they can't find the paper up there on Wall Street.

So I say to the American people, you be squatters in your own homes. Don't you leave. In Ohio and Michigan and Indiana and Illinois and all these other places our people are being treated like chattel, and this Congress is stymied. We have the worst economic crisis since the Great Depression and our committees are muzzled. Power is given to one chairman or one person.

We are all equal here. We have a right to be heard. The concerns of our constituents have a right to be registered in the committees of this House, not choked down as what is happening here today. It is just a tragedy. And if we don't fix the economic cure, it is going to get worse, and the cure is to go after the home foreclosure crisis.

Who does that? Treasury? No. That is absolutely the wrong place. We need the Federal Deposit Insurance Corporation and the Securities and Exchange Commission empowered to do the real estate workouts on books across this country. Those are the normal institutions that are used. And then you have got HUD there now with FHA that can take these mortgages once they are refinanced. But that is not what is happening across our country. There is no help for the homeowner. That whole section they talked about today, Help for Homeowners over at HUD, nobody has even benefited. We said last year they wouldn't, and that is exactly what has happened.

So I say to the American people, stay in your homes. You have earned them. And don't you get out until you get a really good lawyer who can find your mortgage up there on Wall Street. Because, you know what? They won't be able to find it, and therefore they can't prove you should be evicted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHEN THE WELL RUNS DRY: A BIPARTISAN APPROACH TO ENTITLEMENT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, our financial situation is at a critical mass. Everywhere you look, everything you read, more bad news, no end in sight. Of massive budget shortfalls President-elect Obama has said, ''If we do nothing, we will continue to see red ink as far as we can see.''

Last week, the Congressional Budget Office projected the Federal budget deficit will balloon to $1.2 trillion this fiscal year, and that does not include the economic stimulus package proposed by the incoming administration. These staggering numbers are deeply troubling today and pose a dire choice for our children and our grandchildren.

Simply put, our Nation is slowly going broke. Without a change of course initiated by Congress, we will follow what Comptroller General David Walker characterized as a financial ''tsunami strong enough to swamp the ship of state.'' It will sweep our children and our grandchildren off their feet, leaving far less opportunity for future generations.

Out-of-control spending is not just an economic issue, it is a moral issue also. Is it right for our generation to live very well, knowing that future generations of Americans will inherit a broken system in the form of massive debt, Social Security and Medicare obligations, unsustainable spending and commitments that cannot be kept?

Entitlement spending has such a tight grip on the rest of the Federal Government that every day the 111th Congress waits to act is another day that vital discretionary programs, domestic and international, are in jeopardy. That is what we are facing today.

Everyone, whether you are a Republican or Democrat, should be alarmed. As parents and grandparents, we should care that without adequate resources our children won't receive the first-class education they need to compete in the global market. Already the tests show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

People should care that scientists at the National Institutes of Health who

are so close to finding cures for devastating disease might not have the funding they need for medical research and breakthrough clinical trials that will change the way we live. Cancer, Alzheimer's, autism will all remain shortchanged if we do not have the discretionary funding necessary to put together the pieces.

Think about the roads, the highways, the bridges. Our children and grandchildren may wake up in a dismal scene. These scenarios only scratch the surface on how concerned we should be about America's future.

The ramifications of out-of-control spending reach far beyond our shores. I have always believed in the biblical admonition that to whom much is given, much is required, and have supported efforts, as have many in this Congress, to fight global hunger and poverty and disease. For example, U.S. Government funding for global HIV/AIDS, TB and malaria was nearly $20 billion over the last 5 years. The recent 5-year reauthorization commits $50 billion.

While that is good news for millions hurting around the world, it places America in the position of fulfilling a moral obligation to keep these vulnerable populations alive. Yet where will the money come from if America's foreign assistance dollars continue to shrink because the mandatory spending is taking a growing piece of the pie?

Ecclesiastes 5:5 says, ''It is better not to vow than to make a vow and not fulfill it.'' I fear, Madam Speaker, that the vow will not be able to be fulfilled because of the deficit spending that we have no way to deal with.

The economic stimulus being shaped by the administration offers an opportunity, and JIM COOPER and I have a bipartisan bill, eight Republicans and eight Democrats, that puts all spending on the table and forces, and forces the Congress to act.

Many Members of the Congress go home and love to give the speeches at the Rotary Clubs talking about how bad the deficit is, but yet when they come back to Washington they do nothing about it. So next week, Madam Speaker, I will offer an amendment in the appropriations bill to put the Cooper-Wolf language into law whereby we can get control of this runaway spending.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

END TO FIGHTING IN GAZA STRIP NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to express my deep concern over the increasingly grave situation in the Gaza Strip and to express my disappointment that Congress has not spoken more clearly and forcibly in favor of a cease-fire. The latest fighting between Israel and Hamas has led to a humanitarian crisis. According to news reports, quoting various official sources on both sides of the battle, the impact on civilians in Gaza is severe and growing worse.

Madam Speaker, like every Member of this House, I support the right of Israel to defend itself and its people, and, like my colleagues, I strongly denounce Hamas' ongoing indiscriminate destabilizing rocket attacks against civilian populations in southern Israel and Hamas' clear intent to terrorize the people of Israel. In no uncertain terms, I call on Hamas to end its rocket attacks against Israel immediately.

But I also believe in no uncertain terms there must be a cease-fire between Hamas and Israel and it must commence immediately. The loss of life to children and their families, the vast destruction of homes and the enormous suffering in Gaza that is being caused by the escalation of this conflict must end.

Last week, the House spoke out on this latest conflict in the Middle East by passing H. Res. 34 that ''recognizes Israel's right to defend itself against the attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process.''

I was disappointed that, as this body has done so often in the past, the House voted only to reiterate its support for Israel and its right to defend itself, rather than also to have used our considerable influence to pressure both sides to agree to a cease-fire in order to protect civilians on both sides caught in this conflict and in order to work toward a lasting resolution of this conflict that will lead to the protection and security of Israel.

I support much of the language in the resolution, but I regret that H.R. 34 in its entirety was not a correct statement for the House to make at the time. The question for the House and the international community is how the Israeli people will be able to live in peace and security without the constant threat of attack from Hamas and others and how the United States and all other nations can assist in achieving that outcome in a lasting manner.

The House has not weighed in on this question. The House of Representatives should throw its considerable weight behind the call for an immediate cease-fire between Israel and Hamas. The cease-fire is in the best interests of Israel and the United States.

The fact is that there has been a failure of political leadership that has led to this renewed and devastating fighting in Gaza. The Bush administration failed to adequately and successfully address the Middle East conflict during its time in office and during the time in which we knew the cease-fire was coming to an end, and conditions might have been changed so that it could have been extended.

□ 1500

The international community has failed to adequately address the conflict between Israel and Hamas. Experts in the Middle East had warned that a conflict of this nature would eventually come, and will continue to come in the future if conditions on the ground do not change. Their warning went unheeded, and now a new and costly war has broken out.

Hamas rocket attacks against Israel are indefensible. But neither can the disproportionate military response by Israel be defended. The latest fighting was preceded by a lengthy and crushing blockade by Israel of Gaza that caused an humanitarian crisis. Hamas, unfortunately, chose to break the cease-fire and continue shelling of Israel. And Israel chose the breaking of the cease-fire to launch, as it should have, a defense of Israel, but unfortunately, with an all-out attack on Gaza.

Lost in all of this is the answer to the question of how the Israeli people can be assured the protection they deserve. The rocket attacks against Israel continue, albeit lessened now, despite the enormous firepower brought against Hamas by Israel. There is no clear answer as to how Israel will bring this conflict to an end in Gaza or clear what Israel's ultimate goals are in this conflict.

Only a cease-fire and a new international commitment to negotiate a cessation of hostilities between Hamas and Israel can protect the people of Israel.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. JOHN DIAMANDIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of my dear friend, Dr. Themistocles ''John'' Diamandis, endearingly known as Dr. D.

Dr. D was born on April 11, 1929, in Tarpon Springs General Hospital in Tarpon Springs, Florida. It was a foreshadowing that Dr. D started off life in that tiny, 12-bed hospital. He started off his medical career in 1961 at Tarpon Springs General Hospital, where he was one of three doctors on staff. He spent the next 47 years as a dedicated general practitioner there.

He earned a pharmacy degree from the University of Florida in 1951. Prior to medical school, he worked as a pharmacist at Webb's City in St. Petersburg, Florida. He earned a medical degree from the University of Miami in 1958. While in medical school he worked at Walter Reed Army Medical Center and served his country in the Army during the Korean war.

A proud member of the Tarpon Springs community Dr. D cared for generations of Tarponites, including the pioneers of the Tarpon Springs sponge industry.

He started his career with his assistant, Cally Catroulis, who remained with him, amazingly, for 47 years, until his retirement. He opted not to hire nurses, preferring to spend as much time himself with each patient by taking, for instance, each blood pressure reading himself. While he often ran late having meaningful discussions with his patients, I can attest to that, others were happy to wait their turn for him, knowing that they would be the subject of his extra care and attention.

Dr. D was always on call for his patients, day or night. He is known for making late night and weekend house calls. Before going to bed each night, he would check in on his patients at home or at the hospital, amazingly. He never failed to treat a sick person, and never asked if they had insurance. Sometimes he was paid only with a hot meal or a Greek pastry after a house call.

As a matter of fact, Dr. D was a mentor to my brother, Dr. Emanuel Bilirakis.

In addition to his tireless dedication to his patients, Dr. D has been an activist in his community, frequently speaking out on local, State and Federal issues, on issues near and dear to his heart such as affordable health care, lower taxes, and improved infrastructure. He also remained active in his church, St. Nicholas Greek Orthodox Church, and also various civic organizations such as AHEPA.

Madam Speaker, Dr. D is a rare breed of physician and humanitarian. Many describe him as an old fashioned doctor, but his practice embodied all that was and is still good in medicine, the strength and importance of the relationship between a primary care doctor and his or her patients.

That tiny hospital where he was born and started his medical career was the same one he retired from this past September of 2008. Now known as Helen Ellis Memorial Hospital, it has grown to a 168-bed facility with 356 staff physicians, a legacy of Dr. D.

Madam Speaker, I can only think of one word to describe Dr. D—axios.

I yield back the balance of my time.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan

WHO'S GOING TO SPEND THE MONEY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, we took up the issue of the Troubled Asset Recovery, whatever TARP stands for. $350 billion has been thrown, as one man wished it to be, as he directed.

There's another $350 billion that has been allocated. Now, the question is, who's going to spend it?

Now, I've got a bill that I filed, it was, I think, the first bill laid down over here on the Clerk's desk the minute after we were sworn in, and it's a bill to allow the people that earned the money to spend it. The Treasury Secretary would have to put it in the general revenue and use that to cover any shortfalls from withholding not coming in.

This isn't some rebate where we spend millions to let people know you may get a rebate check, and then millions to process it, and then by and by, pie in the sky, they get a rebate check down the road for $300, $600. This is real money we're talking about, in the account, in the hands of those who earned it as soon as they get their paycheck. If we pass this bill next Thursday that I've proposed, people on their Friday paychecks could have all of their Federal withholding in that check, all of their FICA withholding in that check.

So anybody that's working, performing services, including self-employed, they have a 2-month tax holiday. That money is immediately in their hands, in the economy, not some bureaucrat in Washington who is so arrogant that he thinks you couldn't possibly know where to spend that money to help the economy and help yourself.

So, we've asked, we surveyed people who have e-mailed in and asked, what would you—look at the withholding and see what, tell us what you would use your money for. Number 1 answer? Pay off credit cards, catch up on loans, including the mortgage.

Well, Paulson's out there spending hundreds of billions of dollars to try to loosen up lending so people can refinance and borrow more money to catch up on the mortgage they got behind on in the last year, many, back when gas prices were $4 a gallon. Let them catch up with their own money. They don't need another loan.

Others said they'd go out to eat. They'd stop, they'd use it for entertainment. Others said they'd invest it in their small business to develop it. Others said they'd invest it in the stock markets. That would help the market.

Ten percent of those said they'd use it to buy a new home. That would help them with their down payment. There's so much in the withholding. Others said they'd use it to buy a car. Some said they'd put it in savings. But that would give banks more money to make more loans, so that would be a good thing as well.

Some got very specific. They said they'd buy farm supplies, help with their college education this year. Some said they'd buy insulation for their home to help on the energy bill. One said he'd buy a stove and an oven. Another said he'd use—well, there were many who said they'd repair and remodel their home. Others said they'd pay for medical procedures that they need. How about that? It's not some guy in Washington paying. It's the people that earned the money that would get to spend it.

Another was going to put on a new roof for his home so his family would be dryer and warmer. The people that earned the money know what to do with it.

It is the height of arrogance that in this body, we'd say, no, no, no, GOHMERT's got this bill, H.R. 143, that lets the people that earned it have a 2-month tax holiday. We can't do that. We can't let that come to the floor for a vote.

I proposed this amendment yesterday. Got shut out. They didn't want it on the floor. Probably pass. People would be afraid to vote against the people. And that's what that vote is.

But I just submit, Madam Speaker, if this continues, and I keep being shut out on getting this idea from the people for the people by the people, and the votes keep being that we can't bring a bill like that to the floor for a vote, it may be, come November of 2010 that the voters will say, we want to elect somebody that will do what needs doing and not helping their cronies.

Oh, yes, we heard, well, the leadership over here in the House has the idea for this great TARP money. We're going to use it for infrastructure. Oh, yeah. Well, apparently the bill being proposed only has 5 or 6 percent for infrastructure.

You let people have their own money, you let them spend it where they need spending, the money will be in the economy, the economy will increase, and everybody will be better off and the people will have heard from us as they wanted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the previous 5-minute Special Order in favor of Mr. POE of Texas is vacated.

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

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

LAST STAND FOR RAMOS AND COMPEAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE of Texas. Madam Speaker, in the dusty, arid plains of West Texas, where the tumbleweeds blow across the prairies, there's a small town called Fabens. Fabens, Texas, a population of about 8,000, mostly lower-income individuals, but they're doing what they can to eke out an income out of the land that they work.

On February 17, 2005, almost 4 years ago, these events took place. A drug dealer by the name of Aldrete Davila came across from Mexico, which is six miles from Fabens, Texas, right here on the map. He's driving a van. He has about $750,000 worth of narcotics in that van. And of course, he's smuggling drugs into America; something that occurs along the entire Texas/Mexico border.

He's confronted by one of our first responders, Border Security Agent Jose Compean. Border Agent Jose Compean does his job, and he gives chase to this drug smuggler in the van. Aldrete, the smuggler, turns his van around, tries to head back to Mexico with his cancer that he's going to try to sell in the United States. He abandons his vehicle. He gets down in the river bed between Mexico and Texas in the Rio Grande Valley, and he has a fight with Jose Compean.

Another border agent by the name of Ignacio Ramos shows up and meets the call for help to stop this drug trafficker into the United States. Meanwhile, a fight ensues between the drug dealer and Border Agent Compean, and Compean is left in the river bed, bleeding, while the drug dealer runs back to Mexico.

Ignacio Ramos, border agent, sees what's taking place. He sees the drug dealer, in his opinion, with a weapon, keeps turning back like this, and he fires his weapon.

□ 1515

And the drug dealer disappears.

Unbeknownst to all of us, there was another vehicle on the other side of the border, waiting to pick him up and take him back to wherever he came from.

Jose Compean and Ignacio Ramos, border agents, at the time they pick up the shells that are fired, they don't immediately report the events, and nothing occurs until the following takes place:

The drug dealer goes back to Mexico. It turns out that he was wounded. He was shot in the buttocks. Without being too graphic, the bullet went in one cheek and came out the other cheek as if he were pointing his weapon when he got shot.

But be that as it may, in some way, the U.S. Government gets involved. It goes to Mexico. It finds the drug dealer and says, ''Looky here. Have we got a deal for you. All you've got to do is come back to America and testify against those two border agents for a civil rights violation,'' or whatever we charged them with, ''and we will treat you for your wounds, and we will give you a pass to go back and forth across the border, and we will not prosecute you for bringing drugs into the United States.''

So, months later, that immunity deal is struck, and the border trespasser—smuggler—gets a deal, a backroom deal, a deal to testify. In my experience as a former judge and prosecutor, unfortunately, when you make a deal with a criminal, you usually get the testimony you want.

What happened was they were waiting to bring these two border agents to trial on numerous charges, but remember, all they did was fail to report the fact that they fired their weapons. Normally, under Border Patrol policy, that is an administrative punishment. You get days off—5 days from what I understand. They could have been fired for that, but they were not. They were prosecuted in Federal court for numerous violations, mainly for shooting the drug smuggler. Of course, they both never knew they shot the drug smuggler until they were told by our government.

In any event, unbeknownst to us, the trial gets postponed. We don't know why the trial is postponed. It's not tried right away, but it gets postponed. The reason it got postponed, which we all learned much, much later, was that, while the drug smuggler was out on his get-out-of-jail-free card, thanks to our government, he was still smuggling drugs into the United States.

In October of 2005, lo and behold, Aldrete brings another load of narcotics into the United States. At first, our government denied that they knew anything about that, but I ended up receiving a copy of the DEA report, which showed specifically that Aldrete was bringing in drugs while he was out on this get-out-of-jail-free card.

So the trial takes place after it is postponed. In March of 2006, these two border agents are tried. They are convicted. The jury never knows that the star witness—the government's bought-and-paid-for witness—brought in another load of drugs. The U.S. Attorney's Office convinced that judge from keeping that testimony from the jury.

Now, the main witness the government had against the two Border Patrol Agents was this witness, the drug smuggler who was given a deal to testify.

Now I ask you, Madam Speaker: If you were on a jury and you had to decide if a person was telling the truth, wouldn't you want to know that, while they were waiting to testify after they were given immunity, they were still bringing drugs into the United States? Wouldn't you want to know that to judge whether or not this witness is telling you the truth or not?

I think, probably, you would want to know that, and I think that's probably the reason the government kept that testimony from the jury, because they didn't want the jury to know the truth about their witness.

In any event, the witness testifies. The border agents are convicted; they are found guilty, and are sent to the Federal penitentiary for 11 and 12 years. Under Federal law, they will serve most of that time.

This case sort of disappeared from the radar until people started talking. The news media even brought this case up. A reporter by the name of Sara Carter has been following this case since the trial. Thanks to her and to other people in our national media, this is still being discussed by not only Members of Congress but by the public throughout the country.

Since I, really, have almost no life, I read the 3,000-page transcript of the trial, so I know what the jury heard. I read it. In September of 2006, long after

the trial and the transcript was prepared, Members of Congress started asking questions about: Well, was this really the right thing to do, to prosecute the border agents? Maybe we were on the wrong side of the border war. Maybe we ought to have been prosecuting the smuggler, the drug dealer. Maybe we ought to have been doing that. So questions were being asked.

Several of us met with the Department of Homeland Security's inspector general's office to try to find out exactly what happened down there in Fabens, Texas in February of 2005. The transcript hadn't been produced yet, so we couldn't read it. So we met with these individuals, and they told us the following:

Well, these Border Patrol Agents are rogue cops. They're just bad guys, and they knew that the suspect was unarmed when they shot him. They went out that day, intending to shoot illegal aliens coming into the United States, and they didn't believe that this drug dealer was a threat to them when they fired.

Now, that's a different kind of story than what I've just told you. So we took them at their word because you know you're not supposed to lie to Members of Congress. It's kind of against the law in the United States.

After we got the transcript, after we did more investigation, we learned that Ramos and Compean, the border agents, did believe the drug smuggler was a threat. They did believe that he had a weapon, and they never said they went out that morning with the intent to shoot some illegal coming into the United States.

Now, as a side note—a little rabbit trail here—that occurred in September of 2006. I and several others have asked our government to investigate those government officials who came to the Members of Congress and misled us. Of course, nothing has happened to those individuals. They just sort of went away, you know.

But back to the case. Now that we had the transcript, now that we'd read the transcript of the trial and we'd found out exactly what had happened, many of us in Congress had felt that what had occurred in this trial wasn't the appropriate thing to do and that the way the two border agents were treated wasn't really the most appropriate way to be treated.

So, in October of 2006, Ramos and Compean were sentenced to 11 and 12 years in the Federal penitentiary. While in prison, Border Agent Ramos was assaulted. Both of these agents have spent much of their 2 years now—2 years—in solitary confinement. Solitary confinement in our Federal penitentiaries is reserved for the meanest criminals we have in our culture, in our society. Yet border agents go into solitary confinement for allegedly their own protection. Yeah, right.

Anyway, they're serving their time, but this case does not go away. In July of 2007, because so many of us on both sides of the aisle were concerned about justice, I introduced legislation, saying exactly that no Federal funds will be used to incarcerate Ramos and Compean. In other words, the Federal penitentiary cannot use taxpayer money to incarcerate these border agents. That legislation passed this House unanimously in 2007 by voice vote. There was not one dissenter on either side of the aisle because Congress, the House portion of Congress, said it's just not right. They shouldn't be incarcerated.

As all of you know, what we do when we pass legislation is we send it down to the Senate. That bill, like many other bills, never got voted on by the Senate, so both of the individuals stayed in prison.

Before they ever got to trial, Ramos and Compean were offered a deal by our government. It's not unusual in criminal cases. They were told, if you plead guilty to these violations, we'll get you 1 year in the Federal penitentiary for what you did out there in Fabens, Texas. Now, if you don't plead guilty, well, we're going to go to trial, and we're going to try to get you more time in the penitentiary.

So the Federal Government initially thought that the case was worth 1 year in the Federal penitentiary, but because Ramos and Compean, citizens of the United States, exercised their right under the Constitution to have a jury trial, they were punished for the right to be tried before a jury. The Federal judge then gave them 11 and 12 years after the jury convicted them.

I don't think that people charged with crimes should be punished for exercising their right, their constitutional right, to ask for a jury trial. In any event, the case continues to this day.

What has the effect of it been on our Border Patrol Agents? Well, let me tell you. I'll give you an example.

Luis Aguilar, a Border Patrol Agent assigned to the Tucson office, was in California recently on border patrol, trying to catch the bad guys. Two vehicles, a Humvee and a pickup truck, come across the Mexican border into the United States. He and other Border Patrol Agents give chase to this Humvee and to this pickup truck. The Humvee and pickup truck see the good guys, and like they normally do, they try to run from the good guys. They turn their vehicles around and head to Mexico.

Luis Aguilar from Tucson, Arizona, Border Patrol Agent, what he did was get in front of those vehicles at some distance and throw out these spikes—where if a car or a vehicle runs over the spikes, they blow out the tires—to stop the bad guys from going back to where they came from. Rather than go over the spikes, the guy in the Humvee jumps off the road and runs over and kills Luis Aguilar, Border Patrol Agent. Then he flees off, back into Mexico, along with the pickup truck. Where he is today, that individual, we know not.

Now, you know, the Border Patrol Agents are nervous about using their weapons. The reason they're nervous about using their weapons to protect the dignity of our country and to capture the bad guys who come into the United States is due to cases like Ramos' and Compean's. When these Border Patrol Agents fired their weapons, they were prosecuted instead of the drug smuggler. So that makes Border Patrol Agents hesitate.

I've heard that the Border Patrol policy is they can't fire their weapons unless fired upon. Now, anybody who has ever been in law enforcement, anybody who has ever been in the military knows that's a bad idea. I can't fire to defend myself unless somebody shoots at me? I can't stop someone who is pulling out a gun? Apparently not. Luis Aguilar is just one example.

I've talked to Border Patrol Agents all the way from Brownsville, Texas, to San Diego, California, and they tell me, ''Hey, when we're in that situation, we really don't want to fire our guns even though we can, even though it is the right thing to do, because our government doesn't back us; they back the other side.''

Sheriffs along this entire area here that I have mentioned—from Brownsville to San Diego—the Border Patrol Sheriff's Association, are of all races, and they're of both political parties, but to a sheriff, they are concerned about border security, and they tell me the same thing: ''We are hesitant to use our weapons in these cases even though, under State law or even Federal law, we're permitted to do it, because our government is not going to stand beside us. They're going to stand beside the drug dealer.'' So that's the chilling effect.

But whatever happened to Aldrete, the drug smuggler? Remember, he got that second case, that second case when he brought drugs into the United States while he was waiting to testify. It's the one that the Federal Government denied, really, ever occurred until they finally had to admit it because we saw the evidence of the DEA report.

Well, he ended up getting prosecuted for that. The U.S. Attorney's Office finally prosecuted him but not after the taxpayers of the United States treated his wounds in El Paso, Texas, not after he filed a $5 million civil rights suit against the United States Government. He brings drugs in. He finally gets prosecuted. Now he is in a Federal penitentiary, ironically, doing less time than the Border Patrol Agents.

□ 1530

Who are these two individuals we're talking about? Well, these individuals are Compean and Ramos. These photographs were taken the day that they were hauled off to the Federal penitentiary. Those are the last photographs that I know of that were taken in public because they're still in the penitentiary at this time.

Now, we've heard a lot about this case. A lot of Members of Congress have got involved, the American public has gotten involved. Over 400,000 American have sent petitions to the White House asking for relief; 70,000 of those petitions are from the State of Texas where citizens are getting involved in what they believe is the unjust incarceration. And this has continued.

When I go back to Texas, which I do every weekend, I still have people, regular folks, ''What's happened to those two Border Agents Ramos and Compean?'' And I'm surprised to some extent because the American attention span is about ''that'' long. You know, we hear something in the news and we move on, something else happens the next day. But this has been going on now for over 2½ years. And yet the American public is still very concerned. They still tell us about it.

I don't know why these two Border Patrol agents were relentlessly prosecuted, but they were. I don't know why they made a backroom deal with the drug smuggler Aldrete, but it did happen.

This is not a pleasant place to be on the southern border with our neighbors in Mexico. It is a violent place. It's violent because of the drug smugglers coming into the United States. We hear about all of the murders on both sides of the border because of the drug cartels, you know, people like Davila who brings in drugs into the United States. He and his comrades are the reason there is so much violence on this entire border.

Good people on both sides of the border live in fear every day because of the drug cartels and the problem that occurs there.

I was down recently on the Texas-Mexico border, and I was asking a Texas Ranger—I won't mention his name—I was asking a Texas Ranger, I said, ''What's it like down here on the Texas-Mexico border at night?''

And he said, ''Congressman POE, it gets western. It gets western down here.''

Now, what he was saying was people start shooting. They start shooting at us on this side of the border. We know of incursions from the Mexican military that have come into the United States, supposedly rogue Mexican military helping the drug cartels move drugs into the United States. It's violent on the Texas-Mexico border, along the entire southern border, because of the drug cartels.

So what we have done, as a culture—since we have a great appetite for, unfortunately, drugs in this country—we've sent some good people down there to protect us, the Border Patrol agents, and, of course, the local sheriffs. And they're doing what they can to protect us. And yet when they get in a fix, our government sides with the bad guys.

So chilling effect on our border agents and our border protectors? You betcha. You betcha. Because those individuals who protect us are concerned about what happens to them if they, in a split-second decision, have to make a choice of what to do to protect us. And if they make the wrong choice—or at least the wrong choice in the eyes of our government—they're going to get prosecuted. That's very unfortunate.

Don't get me wrong, Madam Speaker. I have no sympathy for criminals. I've always been in law enforcement. I spent 8 years prosecuting criminals in Houston, Texas, and then I was on the bench for 22 years prosecuting outlaws. And I tried a lot of cases. I heard about 25,000 criminal cases during that time. And I tried people who shot police officers, and I tried police officers that unjustly shot citizens. So I have no stake in this except justice ought to occur in this case. I have no sympathy for criminals: police officers or otherwise.

But in this case of Ramos and Compean, we've asked for a pardon. The President of the United States of America has the absolute right under our Constitution to pardon any individual. I carry this little pocket Constitution around with me, as most Members of Congress do, and read it from time to time. But there's a section here that I would like to put in the record: Article 2, section 2 of the U.S. Constitution talking about the power of the Presidents of the United States.

''He shall have the power to grant reprieves and pardons for offenses against the United States.''

Now, you notice he doesn't have to get permission from some committee; he doesn't have to get approval from the Justice Department. Now, he certainly can get recommendations from anyone he chooses. He can have a committee make recommendations. But the Constitution doesn't give him that obligation. He can pardon anybody, and he doesn't ever have to tell the reason.

Our President has not chosen to pardon these two individuals. I've known the President a good number of years. I respect him greatly. On this particular issue, I hope and would wish that he would exercise the power that he has under the Constitution. His reasons for not doing so are his own, and I respect that as well.

So now we're asking that the President, before he leaves office in the next 5 days, commute the sentences of these two Border Patrol agents.

Assume the facts, as presented by the government, are true because the case has gone through the appellate process and has been ruled on by other judges. Assume everything is true. They've served over 2 years in the Federal penitentiary, both of these individuals. I've talked to their wives, their kids, and it is time for these two Border Patrol agents to go home.

So we're asking the President to reprieve the individuals, which, under our terminology, is to commute the sentences. Commute them for the time served and let them out of the Federal penitentiary and maybe we can get a photograph of them leaving instead of going into the penitentiary.

And that's what we're asking the President, in all due respect, to do.

And I would say this: I have been very outspoken on this issue. Members of Congress on both sides have been very outspoken on this issue. And I would hope that the President, if he's irritated at me or other Members of Congress who have been outspoken on this, that in all due respect he not take it out on them. Because we're the only voice these two individuals have: Members of Congress.

So be mad at me, be irritated at me, but don't be taking it out on these two individuals. Commute these two sentences.

Apparently I'm going to be the last Member of Congress that will speak on this House floor officially before President Bush leaves office next Tuesday. As I am speaking before this body, another member of the Texas delegation, JOHN CULBERSON, is walking down Pennsylvania Avenue in this 28-degree weather and he's carrying a letter, one of similar letters that have been sent to the President by Members of Congress asking for a pardon or a commutation.

This letter that will be hand delivered to the White House this afternoon by the time I finish speaking is signed by 30 members of the Texas delegation. And in the Texas delegation, as most people know, we cover all the political bases from the far right to the far left. But yet 30 of us, of the 32, have agreed these individuals need to be having their sentence commuted.

Also signing this letter are the two U.S. Senators from the State of Texas asking that the President, in his compassion, commute the sentences of Ramos and Compean.

You know, as I mentioned, I have the utmost respect for President Bush when he was a governor and his 8 years in office. But I hope he would give this case some extra thought and exercise his constitutional right. And why do I ask him to do that? Because it seems like it's the right thing to do. It seems like justice. And you know, justice is what we do in this country.

After we cut through all of the smoke, at the end of the day we want justice to prevail in every situation because justice is the one thing we should always find in this country. Justice was allowed to be in the Constitution under the Pardon Clause giving the power to the President to make that decision, the clause to commute the sentence giving the power to the President because sometimes the President just needs to intervene to make sure justice, at the end of the day, is what we find.

I hope the President considers this commutation, considers what Members of Congress and the thousands of Americans who have asked that this case be resolved in a way that these two individuals can be released and go back home to their families in a just way.

And that's just the way it is.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 15, 2009.

Hon. GEORGE W. BUSH,
The White House,
Washington, D.C.

DEAR PRESIDENT BUSH: As Members of the Texas Congressional Delegation, we are writing to ask for your personal intervention to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean.

As you are aware, these two agents were prosecuted and convicted for shooting an illegal immigrant drug smuggler in Texas near the border with Mexico and were each sentenced to over 10 years in prison. Ramos and Compean have been incarcerated since January 2007 and in that time, Ramos has been assaulted in prison and both men have been placed in solitary confinement because of the danger they face as a result of their law enforcement backgrounds.

Many of us have written to you over the past few years with concerns about this case, and as your administration comes to an end, we respectfully request that you use the exclusive authority given to you under Article II, Section 2 of the Constitution. We appeal to your good reason and sound judgment as fellow Texans and ask that you correct this injustice by commuting the sentences of U.S. Border Patrol agents Ignacio Ramos and Jose Compean.

Sincerely,

John Culberson, John Cornyn, Kay Bailey Hutchison, Michael McCaul, Kenny Marchant, Kevin Brady, Pete Olson, Pete Sessions, Ralph Hall, John Carter, Bill Archer, and Kay Granger.

Ted Poe, Louie Gohmert, Gene Green, Lamar Smith, Sam Johnson, Henry Bonicca, Mac Thornberry, Michael Burgess, Michael Conaway, Randy Neugebauer, and Jeb Hensarling.

Eddie Bernice Johnson, Chet Edwards, Solomon Ortiz, Sam Johnson, Joe Barton, Henry Cuellar, Rubén Hinojosa, Sheila Jackson-Lee, Ciro Rodriguez, and Al Green.

AGREEMENT ON MUTUAL FISHERIES RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Natural Resources:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation Extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1988, with annex, as extended (the ''Mutual Fisheries Agreement''). The present Agreement, which was effected by an exchange of notes in Moscow on March 28, 2008, and September 19, 2008, extends the Mutual Fisheries Agreement until December 31, 2013.

In light of the importance of our fisheries relationship with the Russian Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE, *January 15, 2009.*

CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–9)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 22.

Mr. JONES, for 5 minutes, January 22.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, January 21 and 22.

ADJOURNMENT

Mr. POE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 16, 2009, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. 1341] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

116. A letter from the Assistant to the Board, Board of the Federal Reserve System, transmitting the System's final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2008-0021] (RIN: 1550-A29) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

117. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's third interim report on an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information, pursuant to Section 319 of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant for fiscal year 2006, pursuant to Section 674 of the Community Services Block Grant Act; to the Committee on Education and Labor.

119. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.

120. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

121. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and

pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

122. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

123. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

124. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department's report on competitive sourcing for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

125. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

126. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

127. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Fiscal Year 2007 Performance Summary Report, pursuant to Public Law 105-277, section 705(d) of Division C-Title VII; to the Committee on Oversight and Government Reform.

128. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing efforts, pursuant to Public Law 108-109, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

129. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

130. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2008 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

131. A letter from the Secretary, Smithsonian Institution, transmitting the Institution's report for FY 2008 on competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

132. A letter from the Director, Trade and Development Agency, transmitting the Agency's fiscal year 2008 annual report; to the Committee on Oversight and Government Reform.

133. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XM17) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

134. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's eighth annual report entitled, ''Temporary Assistance For Needy Families Program,'' pursuant to Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

135. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Consolidated Returns; Intercompany Obligations [TD 9442] (RIN: 1545-BA11) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

136. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-10 [26 CFR 601.601: Rules and regulations.] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

137. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of Economic Analysis [TD 9439] (RIN: 1545-BC93) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

138. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 529 Programs [Notice 2009-1] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

139. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculation of Volume of Alcohol for Fuel Credits; Denaturants [Notice 2009-06] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

140. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-15 [26 CFR 601.601: Rules and regulations.] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

141. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement (PFA) Program — Extend Rev. Proc. 2007-17 [Rev. Proc. 2009-14] received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

142. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Areas in which rulings will not be issued; Associate Cheif Counsel (International) [Rev. Proc. 2009-7] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

143. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transaction of Interest — Subpart F Income Partnership Blocker [Notice 2009-7] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

144. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer's Annual Federal Tax Return and Modifications to the Deposit Rules[TD 9440] (RIN: 1545-BI39) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

145. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance regarding foreign base company sales income [TD 9438] (RIN: 1545-BI50) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

146. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement [TD 9441] (RIN: 1545-BI46) received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

147. A letter from the Deputy Director, Office of Regulations, Office of the Commissioner, Social Security Administration, transmitting the Administration's final rule — Clarification of Evidentiary Standard for Determinations and Decisions [Docket No.: SSA-2008-0005] (RIN: 0960-AG75) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. MCCAUL, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MARKEY of Massachusetts, and Mr. SHERMAN):

H.R. 547. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. BROWN of South Carolina, Mr. ISRAEL, and Mr. GORDON of Tennessee):

H.R. 548. A bill to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H.R. 549. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security.

By Mr. MANZULLO (for himself and Mr. UPTON):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a temporary credit against income tax for the purchase of certain vehicles; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 551. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Natural Resources.

By Ms. GIFFORDS:

H.R. 552. A bill to amend the National Trails System Act to designate the Arizona

National Scenic Trail; to the Committee on Natural Resources.

By Ms. HARMAN:

H.R. 553. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. BAIRD, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SENSENBRENNER, Mr. WU, Mr. SMITH of Texas, Mr. MILLER of North Carolina, Mr. LUCAS, Mr. LIPINSKI, Mr. MCCAUL, Mr. ROTHMAN of New Jersey, Mr. AKIN, Mr. WILSON of Ohio, Mr. BARTLETT, Mr. HONDA, Mr. INGLIS, Ms. GIFFORDS, Mrs. BIGGERT, Mr. CARNAHAN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 554. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. KUCINICH (for himself, Mr. HINCHEY, Ms. WOOLSEY, and Mr. MCGOVERN):

H.R. 555. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and Labor.

By Mr. FARR (for himself, Mrs. CAPPS, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. HONDA, and Ms. ESHOO):

H.R. 556. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. COHEN, Mr. PENCE, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. WOLF, Mr. POE of Texas, Mr. BOOZMAN, Mr. MCCAUL, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. BACHMANN, Mr. GRAVES, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, and Mr. HALL of Texas):

H.R. 557. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, Mrs. BIGGERT, and Mr. KIND):

H.R. 558. A bill to reauthorize part D of title II of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. PERLMUTTER, and Mr. KING of New York):

H.R. 559. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Homeland Security.

By Mr. BRADY of Texas (for himself, Mr. POE of Texas, Mr. SESSIONS, and Mr. SMITH of Texas):

H.R. 560. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself, Ms. BEAN, and Mr. HODES):

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to allow a 5 year carryback of certain net operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Ms. BERKLEY, Mr. BLUNT, and Mr. PUTNAM):

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. MCCAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. EHLERS, Mr. FORTENBERRY, and Mr. KIRK):

H.R. 563. A bill to amend title XXI of the Social Security Act to require States to provide priority under the State Children's Health Insurance Program (SCHIP) to children in families with gross income below 200 percent of the Federal poverty level; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself and Mr. PALLONE):

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself and Mr. BARRETT of South Carolina):

H.R. 565. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, to Naval Consolidated Brig, Charleston, South Carolina; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself and Mr. ROGERS of Michigan):

H.R. 566. A bill to provide that rates of pay for Members of Congress shall not be adjusted under section 601(a)(2) of the Legislative Reorganization Act of 1946 in the year following any fiscal year in which outlays of the United States exceeded receipts of the United States; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself and Mr. LEWIS of California):

H.R. 567. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. MITCHELL, and Mr. WHITFIELD):

H.R. 568. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SKELTON, Mr. HOLT, Ms. BORDALLO, Mr. GRIJALVA, Mr. LOEBSACK, Mr. HINCHEY, Ms. WOOLSEY, and Mr. SCOTT of Virginia):

H.R. 569. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOUCHER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. LOEBSACK, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. DELAHUNT:

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 575. A bill to increase the level of participation of the Small Business Administration in certain guaranteed loans for a period of one year, and for other purposes; to the Committee on Small Business.

By Ms. GIFFORDS:

H.R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a refundable investment credit, and 5-year depreciation, for property used to manufacture solar energy property; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself, Mr. SULLIVAN, Mr. PASCRELL, Ms. ROS-LEHTINEN, and Mr. ENGEL):

H.R. 577. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. DINGELL, Mr. MCGOVERN,

Mr. DELAHUNT, Mr. BLUMENAUER, Mr. CROWLEY, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mr. COURTNEY, Ms. MOORE of Wisconsin, and Ms. MCCOLLUM):

H.R. 578. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. GRIJALVA, Ms. LEE of California, Mrs. CAPPS, Mr. BERMAN, Ms. BORDALLO, Mr. LOEBSACK, Mr. HONDA, Mr. INSLEE, Mr. MEEKS of New York, Mr. EHLERS, Mr. SIRES, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. WEXLER, Mr. MICHAUD, Mr. PALLONE, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. POLIS of Colorado, Mr. CARNAHAN, Mr. BLUMENAUER, Mr. CONNOLLY of Virginia, Mr. WU, and Ms. CLARKE):

H.R. 579. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and Labor.

By Mr. ISRAEL (for himself and Mr. INSLEE):

H.R. 580. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 100,000 plug-in hybrid vehicles; to the Committee on Oversight and Government Reform.

By Mr. LATTA (for himself, Mrs. LUMMIS, Mr. OLSON, Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. GOODLATTE, and Mr. COBLE):

H.R. 581. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 582. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 583. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 584. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. STARK, Mr. KUCINICH, Mr. GRIJALVA, Mr. CONYERS, and Mr. RUSH):

H.R. 585. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself and Mr. LEWIS of Georgia):

H.R. 586. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. GARY G. MILLER of California:

H.R. 587. A bill to increase the loan limits for the FHA single family housing mortgage insurance programs and reverse mortgage program and for the conforming loan limits for Fannie Mae and Freddie Mac during 2009; to the Committee on Financial Services.

By Mrs. MYRICK:

H.R. 588. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 589. A bill to establish procedures for the issuance by the Commissioner of Social Security of ''no match'' letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. CONAWAY):

H.R. 590. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. WATT, Mr. MCGOVERN, Mr. OLVER, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 591. A bill to improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself and Mr. BECERRA):

H.R. 592. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid Program and the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. ELLISON, Mr. WALZ, Mr. MITCHELL, Ms. ROS-LEHTINEN, Ms. EDWARDS of Maryland, Mr. PETERSON, Mr. ROHRABACHER, Mr. HINCHEY, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. ROSS, Mr. MCGOVERN, Mr. NYE, Mr. HALL of New York, Mr. KAGEN, Mr. MICHAUD, Ms. TSONGAS, and Mr. YOUNG of Alaska):

H.R. 593. A bill to amend title 10, United States Code, to expand the authorized concurrent receipt of disability severance pay from the Department of Defense and compensation for the same disability under any law administered by the Department of Veterans Affairs to cover all veterans who have a combat-related disability, as defined under section 1413a of such title; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 594. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself, Ms. SUTTON, Mrs. KILPATRICK of Michigan, Ms. KAPTUR, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. DOYLE, Mr. HOLDEN, Mr. COSTELLO, Mr. LIPINSKI, Mr. STUPAK, Mr. GENE GREEN of Texas, Mr. ALTMIRE, Mr. CARNEY, Mr. GERLACH, Mr. MICHAUD, Mrs. DAHLKEMPER, Mr. HARE, Mr. KAGEN, Mr. SPACE, Mrs. CAPITO, Mr. PETERS, Mr. MCGOVERN, Mr. MASSA, Mr. MANZULLO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. UPTON):

H.R. 595. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 596. A bill to amend the Food and Nutrition Act of 2008 to reduce hunger, and for other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. LOEBSACK, and Mr. SARBANES):

H.R. 597. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. GRIJALVA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER):

H.J. Res. 18. A joint resolution providing for congressional disapproval of the rule submitted by the Department of the Interior and the Department of Commerce under chapter 8 of title 5, United States Code, relating to interagency cooperation under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. GINGREY of Georgia:

H.J. Res. 19. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. MACK):

H. Con. Res. 22. Concurrent resolution establishing the Joint Select Committee on Reorganization and Reform of Foreign Assistance Agencies and Programs; to the Committee on Rules.

By Ms. LEE of California:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress that the tax giveaway since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. ELLISON, Mr. HINCHEY, Ms. KAPTUR, Mr. MCDERMOTT, Mr. RAHALL, Ms. WATSON, and Ms. WOOLSEY):

H. Res. 66. A resolution expressing the sense of the House of Representatives concerning the humanitarian crisis in Gaza; to the Committee on Foreign Affairs.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. HINCHEY, Mr. WU, Mr. ROHRABACHER, Mr. CULBERSON, and Mr. CALVERT):

H. Res. 67. A resolution recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of the Rovers' successful landing; to the Committee on Science and Technology.

By Mr. ABERCROMBIE (for himself, Mr. MATHESON, Mr. SIMPSON, and Mr. WESTMORELAND):

H. Res. 68. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. REYES, Mr. ORTIZ, Mr. SERRANO, Mrs. NAPOLITANO, Mr. COSTA, Mr. GONZALEZ, Ms. BERKLEY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. FOSTER, Mr. SIRES, Ms. JACKSON-LEE of Texas, Ms. WATERS, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 69. A resolution recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H. Res. 70. A resolution congratulating Anthony Kevin ''Tony'' Dungy for his accomplishments as a coach, father, and exemplary member of his community; to the Committee on Oversight and Government Reform.

By Mr. KINGSTON (for himself, Mr. BISHOP of Georgia, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 71. A resolution acknowledging the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. LEWIS of Georgia, Mr. FILNER, Mr. GRIJALVA, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. STARK):

H. Res. 72. A resolution expressing the sense of the House of Representatives that absent congressional approval the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq is merely advisory and not legally binding on the United States, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. HASTINGS of Washington.

H.R. 21: Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. HONDA.

H.R. 31: Mr. FILNER, Mr. SMITH of New Jersey, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, and Ms. NORTON.

H.R. 43: Mr. MURTHA, Mr. BOUCHER, Mr. ENGEL, Ms. SCHWARTZ, Mr. SMITH of New Jersey, Mr. LATHAM, Mr. GRAVES, Mr. WU, Mr. HELLER, Mr. PLATTS, Mr. WITTMAN, Mr. GOODLATTE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 74: Mr. BILBRAY, Mr. BURTON of Indiana, and Mr. GALLEGLY.

H.R. 99: Mr. DENT.

H.R. 101: Mr. MANZULLO.

H.R. 102: Mr. GARY G. MILLER of California.

H.R. 104: Mr. HINCHEY, Mr. GRIJALVA, and Mr. ELLISON.

H.R. 124: Mr. JORDAN of Ohio, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 131: Mr. BURTON of Indiana.

H.R. 135: Mr. GOODLATTE.

H.R. 138: Ms. GINNY BROWN-WAITE of Florida.

H.R. 144: Mr. FILNER.

H.R. 152: Mr. WILSON of Ohio, Ms. EDWARDS of Maryland, Mr. CARNAHAN, and Mr. BISHOP of New York.

H.R. 206: Mr. WESTMORELAND, Mr. MCCOTTER, and Mr. ROGERS of Alabama.

H.R. 213: Mr. PAUL, Mr. BARTLETT, Mr. YOUNG of Alaska, Mr. TIAHRT, Mrs. SCHMIDT, Mr. BLUNT, Mr. JONES, Mr. AKIN, Mr. JOHNSON of Illinois, Mr. ADLER of New Jersey, Mrs. BACHMANN, Mr. MACK, Mr. ROGERS of Kentucky, Mr. GARRETT of New Jersey, Mrs. MCCARTHY of New York, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. CARNEY, Mr. CALVERT, Mr. BURGESS, Mr. WEXLER, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. MCHENRY, Ms. ZOE LOFGREN of California, Mr. LATHAM, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mr. COLE, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. FLEMING, Mrs. LUMMIS, Mr. THOMPSON of Pennsylvania, Mr. SHADEGG, Mr. ISSA, Mr. BONNER, Mr. GOHMERT, Mr. CHAFFETZ, Mr. POMEROY, Mr. WOLF, Ms. FALLIN, Mr. HARPER, Mr. PENCE, and Mr. MARCHANT.

H.R. 214: Mr. DUNCAN.

H.R. 226: Ms. JENKINS, Mr. ROE of Tennessee, and Mr. YARMUTH.

H.R. 233: Ms. HERSETH SANDLIN.

H. R. 235: Mr. ROGERS of Alabama, Mr. FRELINGHUYSEN, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. STUPAK, Ms. RICHARDSON, Mr. LATOURETTE, Mr. LIPINSKI, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, and Mr. NADLER of New York.

H.R. 362: Mr. CARNEY.

H.R. 385: Mr. ROGERS of Michigan.

H.R. 388: Ms. BORDALLO.

H.R. 393: Mrs. BLACKBURN.

H.R. 406: Mr. GEORGE MILLER of California, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. LEWIS of Georgia, Ms. SUTTON, Mrs. DAVIS of California, and Ms. RICHARDSON.

H.R. 430: Mr. ISSA and Mr. WITTMAN.

H.R. 433: Mr. ALTMIRE.

H.R. 444: Ms. BALDWIN and Mr. FILNER.

H.R. 460: Mr. VAN HOLLEN, Mr. KENNEDY, Mr. RUSH, and Mrs. MALONEY.

H.R. 470: Mrs. BACHMANN, Mrs. BLACKBURN, Mr. LAMBORN, Mr. MARCHANT, Mrs. MYRICK, Mr. MACK, Mr. AKIN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. CHAFFETZ, Mr. PENCE, Mr. MANZULLO, Mr. MCCAUL, Ms. FOXX, Mr. KLINE of Minnesota, Mr. SCALISE, Mr. BARTLETT, Mr. PITTS, Mr. HARPER, Ms. FALLIN, Mr. GOHMERT, Mr. Luetkemeyer, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. FORBES, and Mr. SESSIONS.

H.R. 482: Mr. ROHRABACHER and Mrs. CAPITO.

H.R. 483: Mr. MCHUGH and Mr. GENE GREEN of Texas.

H.R. 507: Mr. LINDER and Mr. DAVIS of Kentucky.

H.R. 542: Mr. CALVERT.

H.J. Res. 3: Mr. ADERHOLT, Mr. GOODLATTE, and Mr. SESSIONS.

H. Res. 18: Mrs. GILLIBRAND and Mrs. MALONEY.

H. Res. 31: Ms. SCHAKOWSKY, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, and Ms. DEGETTE.

H. Res. 36: Mrs. LUMMIS, Mr. MCMAHON, Mr. CASSIDY, Mr. FOSTER, and Mr. HARE.

H. Res. 42: Mr. GALLEGLY, Mr. BOOZMAN, and Mr. MCCOTTER.

H. Res. 47: Mr. ELLSWORTH.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JANUARY 15, 2009 No. 9

Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Almighty God, who at creation brought order out of chaos and light out of darkness, bring order and illumination to our world. As our lawmakers labor, illuminate the darkness of pessimism and doubt, as You give them the wisdom to distinguish between truth and falsehood, good and evil, better and best. Lord, renew their spirits and lift their vision so that they can see possibilities that are now hidden from them. Keep them from embracing the second best, and let their ordered lives confess the beauty of Your peace.

We pray in the Name of him who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 15, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SENATOR BIDEN'S FAREWELL SPEECH TO THE SENATE

Mr. REID. Mr. President, Senator BIDEN is here to give his farewell address to the U.S. Senate. Over the many decades he has served in the Senate, he has given many speeches in the Senate. We all look forward to his final remarks, recognizing the loss of his service in the Senate is significant. However, being Vice President, he will still be President of the Senate.

I will always remember Senator BIDEN telling me, after the time he had been selected to be Vice President: I am a Senate guy. I will always be a Senate guy.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business. We will start that after the distinguished Republican leader and I have finished our remarks. Following Senator BIDEN's statement, which he will give as soon as we finish our remarks, Senator CLINTON will come and give her farewell address. In addition, Senator SALAZAR intends to give his farewell speech sometime, as soon as there is clearance on the calendar. But it will be today.

At noon, the Senate will resume consideration of S. 22, the public lands bill. There will be up to 10 minutes for debate equality divided between Senators BINGAMAN and COBURN. Upon the use or yielding back of time, the Senate will consider any managers' amendments cleared by both leaders, and we will proceed to a rollcall vote on passage of the bill. Upon disposition of the lands bill, the Senate will proceed to a cloture vote on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act. Therefore, Senators should expect two rollcall votes beginning at approximately 12:10 p.m. today.

Also, at 2 p.m. today, Senator-appointee BURRIS will take the oath of office to be a U.S. Senator. At 11 a.m. tomorrow, Senator-appointee KAUFMAN will be sworn in to replace Senator BIDEN of Delaware.

With respect to the resolution of disapproval regarding the Emergency Economic Stabilization Act, the TARP legislation, yesterday we proposed a unanimous-consent request to our Republican colleagues for a limited amount of debate and a vote on the joint resolution at around 4 o'clock today. We hope to be able to lock that agreement in shortly.

WORKING TOGETHER

Mr. REID. Mr. President, just a couple of brief remarks.

With all the challenges our country faces, I think we all agree on the importance of this Congress getting off to a fast and effective start. In many ways, I believe we are on that track.

Today, we will likely pass a major wilderness bill that will preserve our environment for the enjoyment of generations to come. The press reports it is the most significant environmental bill that will be passed in more than a quarter century.

We are making progress on confirmation hearings so President Obama will have his team hit the ground running on January 20. We have seated new Members and announced new committee assignments for the 111th Congress.

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

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Today, we vote on stopping a filibuster on a motion to proceed to the Lilly Ledbetter legislation—legislation that ensures pay fairness in the workplace. This should not be necessary. It is really a waste of time—our country's time. After at least 2 legislative days to get the bill before the Senate to have this vote today, we must wait another 30 hours until we can start offering amendments on the bill. That is a waste of time. That is 4 days at least of wasted time and unnecessary delay. I hope in the future we can just go to the bill, avoid the cloture filing on a motion to proceed. Instead of forcing cloture motions that only waste time and delay progress, I urge my Republican colleagues to offer amendments. If they object to parts of this bill, the Lilly Ledbetter bill, then let's work on a list of amendments and get through them. I do not approve the amendments. The Republican leader does not approve them. Senators will have that opportunity to vote on amendments, up or down, and it does not get any fairer than that. There may be motions to table, but at least they will have the right to offer those amendments.

I think we have the opportunity to get this Congress off on the right foot. I want all to know there is no attempt by Democrats to jam legislation through without Republican involvement. So I ask my Republican colleagues to accept my offer to work with us rather than revert to the old path of obstruction that served neither party nor the American people well.

So I would hope that as soon as this vote takes place today, we would not have to wait 30 hours or 5 hours or any amount of hours. Let's just start legislating on the bill. People could offer amendments today, after we get these votes out of the way. We could offer amendments tomorrow. I hope we can do that. As we have done in the past, if there is a series of amendments, we can always stack those votes to vote at a more convenient time for everyone. But I hope we can do that.

HONORING SENATOR JOE BIDEN

Mr. REID. Mr. President, finally, let me say about Vice President-elect JOE BIDEN, Senator JOE BIDEN, JOE BIDEN: Everyone knows about his courage, his wonderful family, his remarkable career in the U.S. Senate. We know he overcame a tremendously difficult personal tragedy during the first few days after his election. I am not sure many could have had the strength he had to conquer this tragedy. Then, of course, he got sick many years later and fought back. It was when TIM JOHNSON was in the hospital in a coma that JOE BIDEN visited him and his family and talked to him about the fact that there will be times when, as he is recovering, he may be embarrassed by his inability to speak very well. JOE BIDEN is one of the great orators in the history of the country. No one would have ever known he had a problem very similar to what happened to TIM JOHNSON. He was such a role model to build TIM's confidence to be able to come back to the Senate.

We here in the Senate know his wonderful family, and now, because of his exposure to America, our country has been introduced to this great family. We know he is now in his seventh term in the Senate, in which time he has served as chairman of the Foreign Relations Committee, chairman of the Judiciary Committee, and that he is a champion of rights for women, the environment, a strong military, and the rule of law.

When I think of JOE BIDEN—I have known him here since I came to the Congress in 1982. I came to the Senate a few years later. But in all of this time, the picture in my mind is during the heat of the Presidential campaign. I am driving down through the capital of the State of Nevada, Carson City, and I look out on a corner there, and there is JOE BIDEN in Carson City, NV, campaigning. He had a number of people around him. I stopped the car, got out, and gave Joe a handshake and a big hug. It was so JOE BIDEN to be there. He was there pressing the flesh and talking to voters.

The people of Nevada have come to know and love JOE BIDEN for that very reason. He is kind of a regular guy; whether it is at one of the sandwich shops which came from Delaware to Nevada, Capriotti's—now they are all over Nevada—they all have a picture of JOE BIDEN in them because it was a Delaware-based sandwich shop. He is just a regular kind of guy who shows up on a street corner just to talk to people.

I will always remember with gratitude the kindness he showed when I first arrived in the Senate in 1986. I will be forever grateful that he was one of the very first colleagues to support my candidacy for Democratic whip. I can remember. I was in his office. He called in his secretary, and I do not remember her name, but he said: I take no more calls on this. REID's my man.

Well, I have always been his. I am a Senate guy, just like JOE BIDEN. We cannot get that out of our blood. I wish him well. He is going to be a great representative of our country, and I am very proud to be able to say to JOE BIDEN: You are my friend.

RECOGNITION OF THE MINORITY LEADER

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

LILLY LEDBETTER FAIR PAY ACT

Mr. MCCONNELL. Mr. President, I, too, shortly want to make some remarks about our good friend from Delaware as he leaves the Senate today to take up his new responsibilities, but first a few observations about the next item on the agenda, the so-called Ledbetter legislation.

Let me say to my good friend the majority leader, I intend to vote for cloture on the motion to proceed. He and I have had a number of constructive conversations privately, and he has reiterated again today publicly that we are going to make an effort to get the Senate back to operating the way it used to, which is that bills are amendable. So I have said to my colleagues and I would say to my good friend from Nevada that I trust you and believe you that we are going to get on the Ledbetter bill, we are going to have amendments and have votes and then dispose of the legislation in the normal way.

With regard to the substance of that particular measure, despite the gross distortions voters heard about this legislation in the runup to the November elections, the Ledbetter bill as written is neither about women nor fairness, and it is not about whether pay discrimination should be illegal. Pay discrimination is illegal, and it has been since 1963. Rather, this bill is about how long the statute of limitations on pay discrimination suits should be.

Last night, Republicans began to outline a proposal for addressing this question in a way that is fair for everyone. Senator HUTCHISON's bill strikes the right balance. It says the clock should not run out on someone who has been discriminated against until he or she discovers the alleged discrimination. This way, the focus is where it should be, on the injured party.

The Ledbetter legislation unfairly targets business owners, who may or may not have discriminated against a man or a woman, on the basis of pay years or even decades ago. Its primary beneficiaries are lawyers, who want to squeeze a major settlement out of every company that fears the expense or the publicity of going to court. This bill is unfair to business owners who in many cases will no longer have the evidence they would need to mount a convincing defense, and it is unfair to the millions of American workers who are worried about losing their jobs in the current economic downturn. Job creators have enough to worry about at the moment. Adding the threat of never-ending lawsuits is a new burden the Federal Government should not even be considering at this particular time.

No right-thinking American would defend discrimination of any kind in the workplace or anywhere else. And it is unfair to the public to suggest that those who oppose this bill endorse discrimination. It degrades our public discourse and it degrades the legislative process.

Many of us oppose this bill as written because it will paralyze businesses and add an even greater strain on workers than they currently face. We support a business climate that creates the conditions for success, not a climate that harasses the millions of men and women in this country who support themselves, their families, and their

workers by owning and operating small businesses.

Republicans have a better proposal and other good ideas to help American workers. I believe we need to get on the Ledbetter bill, as I said a few minutes ago, and have an open debate about it so the American people can hear Republican alternatives and the Senate has an opportunity to vote on more than what our good friends on the other side have offered.

FAREWELL TO SENATOR BIDEN

Mr. MCCONNELL. Mr. President, I turn now to the issue of the moment, which is the celebration of the career of our good friend from Delaware and wishing him well in the future. I remember being sworn in, in January of 1985, thinking I had gotten to the Senate at a pretty early age. I was 42 years old. I thought: Gee, I have gotten here at a pretty early age. At the same time I was sworn in for my first term, the Senator from Delaware was being sworn in for his third time. He was barely old enough to vote when he got here. We were born in the same year, but you got a 12-year head start on me, I would say to my friend from Delaware, and has had an extraordinarily distinguished career.

When we think about Senator BIDEN, certainly we think about his marvelous personality, his demeanor, his friendliness. He can have a good riproaring debate without being disagreeable, as we all say. He has been a pleasure to work with. I say that as somebody who has rarely voted on the same side as he has. We say goodbye today to an outstanding individual who has been a fixture in the Senate for 36 years and a friend to everyone in the Chamber. He now, of course, is going to enjoy an even greater achievement as he becomes the Vice President of the United States.

I remember right from the beginning in 1985, as I was discussing a few minutes ago, that Senator BIDEN made everybody feel comfortable. Although we were born in the same year, as I indicated, he certainly got here at an early age, and it has allowed him to spend most of his adult life in the Senate.

America got to know JOE pretty well over the course of the last year. They got a chance to witness his humor, his compassion, and, yes, his extraordinary decency. They learned firsthand his not entirely undeserved reputation for loquaciousness. They met his wonderful family. Barack Obama decided he liked what he saw in JOE BIDEN as well and invited him to be his running mate in what turned out to be a spirited Presidential campaign.

So next week, after the peaceful transition of power from one political party to another that has distinguished our democracy since 1801, JOE BIDEN will become the 47th Vice President of the United States. This inauguration marks the first time in almost 50 years that two Senators moved directly into the offices of President and Vice President. So no matter what outcome some of us may have hoped for in the election, I think my colleagues and I can feel a little institutional pride at that accomplishment—the fact that two Senators will be sworn in as President and Vice President.

Everyone knows by now JOE's famous loyalty to his beloved Amtrak and his regular commute by rail 80 minutes each day from his home in Wilmington to the Capitol. We know of his commitment to being home with his family every night.

I am sure every single one of my friends in this Chamber has a story to tell of working with JOE. For my part, one of several efforts JOE and I worked together on is the Palestinian Anti-Terrorism Act passed in 2006. After the election of the Hamas-dominated government in Gaza, JOE recognized, as I and others did, the threat that situation posed—and continues to pose as we have seen up close over the last weeks—the threat it poses to peace in the region. Thanks to his efforts, we were able to pass and have signed into law this important bill which restricts U.S. and foreign assistance to the Hamas-led government unless and until it takes serious steps to renounce terror and publicly recognizes Israel's right to exist. That bill was the right thing to do to confront terrorism. I am proud of my work with JOE BIDEN on it, and I know he is too.

I have also worked with JOE on tightening sanctions on the dictatorial, illegitimate regime currently ruling in Burma. Among other efforts, the Tom Lantos Block Burmese JADE Act, which we collaborated on, restricts the importation of Burmese Jade into America through other countries. That takes a large bite out of every lucrative source of profit for the Burmese regime.

JOE is well versed in these issues and many others, thanks to his years on the Senate Foreign Relations Committee, with much of that time as either chairman or ranking member. I know he is particularly proud of his role in pushing for NATO expansion in Central and Eastern Europe in 1998 and in 2003.

We will all certainly miss JOE's presence as 1 of 100. It will take some getting used to, to have a Senate without him, but the good news is he is not going very far. Obviously, Senator BIDEN's election as Vice President is a great honor and a fitting tribute to his 36 years of public service. I look forward to working with him as a key player in the incoming administration, as Congress and the new President work together to tackle the many difficult issues this Nation faces.

Let me say, on a personal basis: JOE, it has been a pleasure knowing you and working with you over the years. Elaine and I wish you and Jill the very best in the coming years.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 12 noon.

The Senator from Delaware is recognized.

FAREWELL TO THE SENATE

Mr. BIDEN. Mr. President, let me begin by thanking the leaders for their kind comments. It is true that I have been here a long time, I say to my friend from Kentucky. As a matter of fact, I say to my friend from Hawaii, I remember the first time I stood on the floor as a Senator of the United States. It was the desk directly to your left, Senator, the top row, second in. It was temporarily my desk. I remember standing and being told that the desk on my right was the desk of Henry Clay and on my left Daniel Webster because the senior Senators from the respective States got those desks. I say to my friend from California, it was the only time I can remember being speechless when I stood there, as a 30-year-old kid, thinking: Oh, my God.

Well, I never thought I would be standing here today. I never believed serving in this Chamber was my destiny, but it always was a big part of my dreams.

I remember vividly the first time I walked in this Chamber, I walked through those doors, but I walked through those doors as a 21-year-old tourist. I had been down visiting some of my friends at Georgetown University. I went to the University of Delaware. I had a blind date with a young lady from a school they used to call Visi Visitation—which is now part of Georgetown. My good friend, a guy named Dave Walsh, was there. After the evening, staying at his apartment, I got up and—I shouldn't say this probably, but I will—I don't drink. Not for moral reasons, I just never had a drink. There is nothing worse than being a sober guy with a bunch of college guys who have a hangover the next morning.

So I got up and decided to get in the car—this is a true story, Senator CARPER—and I drove up to the Capitol. I had always been fascinated with it. In those days, you could literally drive right up to the front steps. I was 21 years old. This was 1963. I say to my friend from Iowa, I drove up to the steps and there had been a rare Saturday session. It had just ended. So I walked up the steps, found myself in front of what we call the elevators, and I walked to the right to the Reception Room. There was no one there. The glass doors, those French doors that lead behind the Chamber, were open. There were no signs then. I just walked

in. Literally, I walked in, and I walked in down here, and I came through those doors. I walked into the Chamber and the lights were still on and I was awestruck, literally awestruck. I don't know what in God's name made me do it, but I walked up, I say to my friend from Arkansas, and I sat in the Presiding Officer's chair. I was mesmerized.

The next thing I know, I feel this hand on my shoulder and the Capitol Policeman picks me up and says: What are you doing? After a few moments he realized I was just a dumbstruck kid. He didn't arrest me or anything. That was the first time I walked onto the Senate floor. It is literally a true story.

By the way, just 9, 10 years later, I walked through those same doors as a Senator. A Capitol Hill policeman stopped me walking in and he said: Do you remember me? I said: No, sir. He said: I welcome you back to the Senate. He was retiring. He used to be a Capitol Hill policeman. He was retiring 2 weeks later. He said: Welcome to the floor, legally.

Well, it is sort of fitting to the way I started my career here. I may not be a young man anymore, but I am still awestruck. I am still awestruck by this Chamber. I think it brings my career full cycle, to know that while I was once detained for sitting in the Presiding Officer's chair, I will now occasionally be detained in the Presiding Officer's chair as Vice President of the United States of America.

The Senate has been my life, and that is not hyperbole; it literally has been my life. I have been a Senator considerably longer than I was alive before I was a Senator. I may be resigning from the Senate today, but I will always be a Senate man. Except for the title ''father,'' there is no title, including Vice President, that I am more proud to wear than that of a Senator of the United States.

When I arrived here, giants—giants—loomed over the landscape of the Senate, people with names such as DANNY INOUYE, Hubert Humphrey, Ed Muskie, William Fulbright, Jacob Javits, Mike Mansfield, Stuart Symington, Scoop Jackson, Sam Ervin, John McClellan, Warren Magnuson, Claiborne Pell, and a few others who are still here: BOB BYRD, and the lion of the Senate, TED KENNEDY. In those days, chairmen dominated. Literally, as Senator INOUYE will remember, if a chairman said he wanted a vote, almost without exception, every other chairman voted with that chairman on a vote on the floor of the Senate in 1973. But the old ways of doing business and the old ways of thinking were, at that very moment in the Senate's history, beginning to change.

As my colleagues know, there is a longstanding tradition in the Senate—I think honored in the breach now more than the rule—but when I got here in 1973, it was mandatory that a new Senator would pay respects to the ''old bulls of the Senate.'' I never dreamed I would be an old bull of the Senate.

I remember the first appointment I made. It was to go see Senator John Stennis, chairman then of the Armed Services Committee. I now have Senator Stennis's office. I remember I walked in—and Senator Stennis had a great and large mahogany conference table that was a gift from the President of the Philippines to Vice President Barkley for the liberation of the Philippines. He used it as his desk. He had a blotter at one end of it. It seated—I don't know how many people it seats—15 people. It was a desk with a group of leather chairs around it.

I walked in—and those who remember John Stennis, he talked at you like this when he talked; he always put his hand up like this—he looked at me and he said: Young man, sit down, sit down. And he patted the leather chair next to him, so I dutifully sat down. He said: Congratulations. He said: May I ask you a question? I said: Yes, sir, Mr. Chairman. He said, What made you run for the Senate? Being tactful, as I always am, I answered honestly without thinking. I said: Civil rights, sir. As soon as I did, I could feel the beads of perspiration pop out on my head, and I thought: Oh, my God. He looked at me and he said—absolutely true story—he said: Good, good, good. That was the end of the conversation. Well, that was 1973.

In 1988, time had transpired; he had become my good friend. We shared a hospital room, a hospital suite at Walter Reed for a number of months. He had lost his leg to cancer. It was during that period when President Bush was coming into office. As the tradition is, as all my colleagues know, you get to choose your offices based on seniority as they come up, as offices come open. I have always thought—we all think our offices are the finest—I always thought of his office, which had been the office of a man whom he never referred to by his first name that I can remember, and the man after whom the Russell Building is named, Chairman Russell. It had been his office.

I walked down to look at his office. It was that period in December when no one was around. The elections were over. I walked in, and I think his secretary of 30 some years—I think her name was Mildred. My memory is not certain on that, but I think her name was Mildred. I walked into the anteroom to his office, and all these boxes were piled up. He was packing up 40-some years of service.

She said: Senator, welcome. Welcome. You all are going to take our office?

I said—I think her name was Mildred: I don't know, Mildred, I am going to check. I said: Is the chairman in?

She said: No, you go right in the office.

I went in the office. Without her knowing it, Senator Stennis had come in through the other door of the hallway and was sitting there in his wheelchair in the same exact spot, with one leg, staring out the window of that office that looks out onto the Supreme Court.

I said: Oh, Mr. Chairman, I apologize. I apologize for interrupting.

He said: No, JOE, come in, sit down, sit down.

I sat down in that chair, and what astounded me, I say to Senator BOXER, is he looked at me and said: JOE, do you remember the first time you came to see me? I hadn't. I told this story about Senator Stennis to my friend from Mississippi before, as he walks on the floor.

He asked me: Do you remember?

I said: No, I don't.

He said: I asked you why you ran for the Senate.

I said: Oh, I remember. I was a smart, young fellow, wasn't I.

He looked at me and said: You all are going to take my office, aren't you, JOE? He caressed that table, the table he loved so much. He caressed it like it was an animate object.

He said: You are going to take my office?

I said: Yes, sir, I am.

He said: I wanted to tell you then in 1973, and I am going to tell you all, this table here was the flagship of the Confederacy.

If you read ''Masters of the Senate'' about Johnson's term, you will see in the middle of the book a picture of the table in my office with the famous old southern segregationist Senators sitting around that table chaired by Senator Russell.

He said: This was the flagship of the Confederacy. Every Tuesday, we gathered here under Senator Russell's direction to plan the demise of the civil rights movement from 1954 to 1968. It is time this table passes from a man who was against civil rights into the hands of a man who is for civil rights.

I found it genuinely, without exaggeration, moving. We talked a few more minutes. I got up and when I got to the door, he turned to me in the wheelchair and said: One more thing, JOE. The civil rights movement did more—more—to free the White man than the Black man.

I looked at him and said: Mr. Chairman, how is that? Probably THAD will only remember as well as I do.

He went like this: It freed my soul; it freed my soul.

Ladies and gentlemen of the Senate, I can tell you that by his own account, John Stennis was personally enlarged by his service in the Senate. That is the power of this institution. Men and women who come to Washington, who come in contact with folks in different parts of the country that we represent, with slightly different cultural backgrounds, different religions, different attitudes about what makes this country great, all races, all religions, and it opens a door for change. I think it opens a door for personal growth, and in that comes the political progress this Nation has made.

I learned that lesson as a very young Senator. I got here in 1973, and one of the people, along with DANNY and others on this floor who kept me here, was Mike Mansfield, the majority leader. He used to once a week have us report to his office, which is where the leader's office is on the other side. He really was doing it, in retrospect, to take my pulse, to see how I was doing.

I walked in one day through those doors on the Republican side, and a man who became my friend, Jesse Helms, and his wife Dot—who is still my close friend and I keep in contact with her—I walked through those doors, and Jesse Helms, who came in 1972 with me, was standing in the back excoriating Bob Dole for the Americans with Disabilities Act.

I walked through the floor on my way to my meeting with Senator Mansfield. I walked in and sat down on the other side of his desk. Some of you remember he smoked a pipe a lot of times when he was in his office. He had the pipe in his mouth and looked at me and said: JOE, looks like something is bothering you.

I said: Mr. Leader, I can't believe what I just heard on the floor of the Senate. I can't believe that anyone could be so heartless and care so little about people with disabilities. I tell you, it makes me angry, Mr. Leader.

He said: JOE, what would you say if I told you that 4 years ago, maybe 5, Dot Helms and Jesse Helms were reading, I think the Charlotte Observer, the local newspaper, and they saw a piece in the paper about a young man in braces who was handicapped at an orphanage. He was in his early teens. All the caption said was the young man wanted nothing more for Christmas than to be part of a family.

He said: What would you say if I told you Dot Helms and Jesse Helms adopted that young man as their own child?

I said: I would feel like a fool, an absolute fool.

He said: Well, they did.

He said: JOE, every man and woman sent here is sent here because their State recognizes something decent about them. It is easy to find the part you don't like. I think your job, JOE, is to find out that part that caused him to be sent here.

He said: JOE, never question another man's motive. Question his judgment but never his motive.

I think I can say without fear of contradiction, I have never questioned any one of your motives. I learned that lesson very early at the hands of iron Mike Mansfield who had more character in his little finger than the vast majority of people we know have in their whole bodies.

That advice has guided me, and hopefully well, and I hope it guides this Congress because those who are willing to look for the good in the other guy, the other woman, I think become better people and become better and more able legislators.

This approach allowed me to develop friendships I would never have expected would have occurred. I knew I would be friends with DANNY INOUYE who came to campaign for me. I knew I could be friends with TED KENNEDY. And I knew I could be friends with Fulbright and Humphrey and Javits, men with whom I shared a common view and a common philosophy. But I never thought—I never thought—I would develop deep personal relationships with men whose positions played an extremely large part in my desire to come to the Senate in the first place to change what they believed in—Eastland, Stennis, Thurmond. All these men became my friends.

As Senator HATCH will remember, I used to go over after every executive session of the Senate Judiciary Committee and go into Jim Eastland's office, which was catercorner, and sit down and he allowed me to ask him a lot of dumb questions as a young kid would want to ask: Who is the most powerful man you ever met, Senator? What is the most significant thing that has ever occurred since you have been here?

On that score, he looked at me and said: Air conditioning.

I said: I beg your pardon?

He said: The most significant thing that happened since I got here was air conditioning.

I thought: Wow, that is kind of strange.

He said: You know, JOE, before we had air conditioning, all that recessed lighting all used to be great big pieces of glass like in showers. He said: Come around May, that Sun—he used to use a little bit of profanity which I will not use for appropriate reasons—that darn Sun would beat down on that dome, hit that glass, act like a magnifying glass and heat up the Chamber, and we would all go home in May and June for the year. Then we put in air conditioning, stayed year round and ruined America.

(Laughter.)

Senator Stennis was my genuine friend. But one of the most unlikely friendships was Strom Thurmond. Some of you knew my relationship with Strom. Did I ever think when I got here I would become friends with Strom Thurmond? He stood for everything—I got started because of civil rights. Yet on his 100th birthday, certainly thereafter, on his death bed I got a phone call from his wife Nancy. She said: I am standing here at the nurse's station, JOE, with the doctor. I just left Strom. He asked me to call you. He wants a favor.

I said: Of course, Nancy, whatever he wants.

She said: He would like you to do his eulogy.

Well, I never thought in my wildest dreams that this place, these walls, the honor that resides, would put me in a position where a man whose career was one of the most interesting in modern American history asked me to do his eulogy. I never worked so hard on a eulogy in my whole life. I think I was completely truthful—truthful to the best of my knowledge.

As I said, he was a man who reflected the ages. He lived in three different ages, three different parts of American history. I remind people, which some will not remember, by the time he resigned, he had the highest percentage of African Americans working in his office as any Senator. He voted for the reauthorization of the Voting Rights Act. He had, in my view, I believe, changed.

This is an incredible place, I say to my colleagues, an incredible place. It has left me with the conviction that personal relationship is the one thing that unlocks the true potential of this place. Every good thing I have seen happen here, every bold step taken in the 36-plus years I have been here, came not from the application of pressure by interest groups but through the maturation of personal relationships.

Pressure groups can and are strong and important advocates, but they are not often vehicles for compromise. A personal relationship is what allows you to go after someone hammer and tongs on one issue and still find common ground on the next. It is the grease that lubricates this incredible system we have. It is what allows you to see the world from another person's perspective and allows them to take the time to see it from yours.

I am sure this has not been my experience alone. In a sense, I am probably preaching to the choir of the very men and women sitting in this Chamber who have experienced similar things.

One of the most moving things I ever saw in my life was on the floor of the Senate. The year was 1977. We were about to adjourn for the year. There was a vote cast, and as we all do, we assembled in the well to vote.

One of my personal heroes, Hubert Humphrey, was literally riddled with cancer. He died very shortly thereafter. He showed up, like Dewey Bartlett of Oklahoma, he showed up every single day knowing he literally had days to live. He walked down this aisle—because I was standing back here. I have been on this back row for years, with my good friend Fritz Hollings for 34 years.

He walked down the aisle, and as he did, Barry Goldwater came through the doors and was coming down the aisle to vote. Barry Goldwater and Hubert Humphrey shared virtually nothing in common philosophically. They had a pretty tough campaign in 1964. It got pretty rough. Barry Goldwater saw Hubert and walked up and gave him a big bear hug. He kissed him and Hubert Humphrey kissed him back. And they stood there in a tight embrace for minutes, both crying. It brought the entire Senate to tears. But to me—to me—it was the mark of a storied history of this place. Hubert loved it here. He once said:

> The Senate is a place filled with good will and good intentions, and if the road to hell is paved with them, then this is a pretty good detour.

Friendship and death are great equalizers. Death will seek all of us at some point, but we must choose to seek friendship. I believe our ability to work together with people with whom we have real and deep and abiding disagreements, especially in these consequential times, is going to determine whether we succeed in restoring America. I think it is literally that fundamental and basic.

Things have changed a great deal since I first arrived here. There were no women in the Senate. Margaret Chase Smith had just retired and it would be 6 years until the next woman was elected in her own right, and that was Nancy Kassebaum. Today, there are 16 women in the Senate, and we need many more, but that is progress.

Our proceedings in those days were not televised. They didn't have fax machines, let alone e-mail. I remember the fights we used to have in conference about whether we would actually spend money for computers. Remember those fights? Some of the older guys thought: Computers? Why are we going to waste the taxpayers' money and put computers in our offices? I am almost embarrassed to acknowledge that. That makes me a ''pretty old dude,'' as the kids would say.

I often hear Senators lament today that the 24-hour news cycle and the need to go back home every weekend—or in my case every night—makes it harder than it used to be to get to know one another, to share a meal. Not long after I first was elected, there was an accident in my family, and I didn't want to stay. Senators Humphrey and Kennedy and Mansfield and Hollings, among others, said: Just stay 6 months. It was not unusual in those days for there to be groups of Senators who, with their spouses, would take turns once a month having dinner for the rest of the Senators. Senator Eagleton of Missouri, who recently passed away and was a good friend; Senator Gaylord Nelson and his wife, who was incredible and who has also recently passed away; Senator Hollings; and my friend—and he is my friend—Senator Ted Stevens from Alaska had one of those groups, along with a guy named Saxby from Ohio, who became Attorney General. While I never, ever stayed in Washington, particularly in those days, they insisted I come, and I would go to those dinners. I was a kid, I was single, but they included me. The truth of the matter is, they went a long way toward saving my life, changing my life.

You know, for the first time in 36 years, I am going to have a home in Washington—public housing—and I hope Jill and I can use it to help bring us all together. I hope it can be used to foster deepening relationships. We all are so busy in our own careers it is awfully hard to do it anymore.

I have seen Senators who have come to this institution to attack it—because that is how they got here, they attacked it. They called it useless and venal. Attitudes such as that, which have been observed in the past, can sometimes become self-fulfilling prophesies. But if you come here with a dedication to hard work, an open mind, some good faith, and to make progress, that, too, can become a self-fulfilling prophecy.

In 1837, Ralph Waldo Emerson, in his Phi Beta Kappa address to Harvard, said:

> Meek young men grow up in libraries, believing it their duty to accept the views which Cicero, which Locke, which Bacon have given, forgetful that Cicero, Locke, and Bacon were only young men in libraries when they wrote those books.

I am told today by the Senate Historian that there have been over 1,900 Senators who have served. I have served with more than 320 of them, and I have learned something from every one of them. As a matter of fact, I was also given a piece of discouraging information as well; that only 19 Senators in the history of the United States of America have ever served as long as I have, one of whom is in this Chamber. As I said, I have learned a lot from them, and I can tell you from experience that most of them are only seen as giants in the hindsight of history. At the time, they were legislators trying to do their best.

I look in my desk and I see the names carved in the drawer. Maybe the public doesn't know how much like kids we are. We get here, and we come over here after the Senate is closed and we sit there, somewhat embarrassed, and we actually carve our names in the drawers of the desk, in the bottom. It is a tradition. Maybe there is someone who didn't do it, but I don't know of anyone, even the most sophisticated among us. I look in the desk drawer I have and I see names of famous Delawareans, such as the longest serving family in the history of the State of Delaware—the Bayards. Six have been Senators. But I also see the names of Scoop Jackson and John F. Kennedy and others in my drawer. Look in your desk and you will see names you recognize as well, and you all know them. Forty years from now, when someone opens your desk and looks at your name, will they think of you the way I think of these men? To me, that is a test we each are going to have to meet.

With the gravity of the challenges we face today comes—as every similar moment in our history—the most significant opportunity for change, the most significant opportunity for progress. I firmly believe this, too, can be an era of legends, of giants. But this much I know: Our Nation desperately needs it to be.

During my first term in the Senate, when I spoke out in favor of campaign finance reform at a Democratic caucus—and Senator INOUYE may remember this; he was then Secretary of the Senate—the President pro tempore, Jim Eastland, listened intently in what is now called the Mansfield Room. When I got finished with my impassioned speech about the need for public financing, he stood—and he hardly ever spoke at the caucus, as Senator INOUYE will remember—and he always wore a glen plaid suit and always had a cigar in his mouth about as big as a rubber hose—and he leaned up at the table in the front—and he never stood completely straight—and he sought recognition and he leaned up, put himself halfway up, took the cigar out of his mouth, and he said:

> Joe, they tell me ya'll are the youngest man to ever get elected to this August body—

I wasn't. There was one younger than me popularly elected, but I didn't dare correct him. He said:

> Let me tell you something, Joe: Ya'll make many more speeches like you did here today, you're going to be the youngest one-term Senator in the history of the United States of America.

I walked out of that conference, as I have said to Leader REID, and walked in here—and we didn't used to have those booths by the phone—and Warren Magnuson, who also smoked a cigar, pulled out his cigar and said: Biden, come here. Can you imagine calling to a Senator and saying: Come here. He said: Stop this stuff. I didn't work this darned hard—a little different language used—I didn't work this darned hard the past 30 years to have some sniveling little competitor get the same amount of money as me. Stop it. Stop it.

I walked away as politely and as quickly as I could. I never dreamed—I never dreamed—that nearly four decades later I would be elected to a seventh term to the Senate of the United States. Never, ever dreamed it. Thirty-six years ago, the people of Delaware gave me, as they have given you in your States, a rare and sacred opportunity to serve them. As I said, after the accident, I was prepared in 1973 to walk away from that opportunity. But men such as Ted Kennedy and Mike Mansfield and Hubert Humphrey and Fritz Hollings and DAN INOUYE convinced me to stay—to stay 6 months, Joe. Remember that? Just stay 6 months. And one of the true giants of the Senate, who thank God is still with us, ROBERT C. BYRD, without any fanfare, in late December, in a cold, driving rain, drove to Wilmington, DE, stood outside a memorial service at a Catholic Church for my deceased wife and daughter, soaking wet in that cold rain, and never once came to see me, just to show his respect, and then got back in the automobile and drove back to Washington, DC.

This is a remarkable place, gentlemen and ladies. And as I healed, this place became my second family, more than I suspect it is for most. I needed it, and for that I will be forever grateful—forever grateful. So to the people of Delaware, who have given me the honor of serving them, there is no way I can ever express to them how much this meant to me. To my staff, past and present, and all those on the floor,

past and present, dedicated to making this institution run, including the young pages, wide-eyed and hopefully going home and wanting to come back someday in our spots, thank you for everything you have done for me. I suspect you have done for me more than you have done for most.

To my children, Hunter and Ashley and Beau, if I was nothing else, I would be content to be the father of such wonderful people. To my grandchildren, who constantly remind me why the decisions we make in this August body are so important, and to my Jill, you once saved my life, and you are my life today, I thank all of you. I thank all my colleagues for making my Senate service possible and this next chapter in my career in life so hopeful.

I came here to fight for civil rights. In my office now sits that grand conference table that once was used to fight against civil rights, and I leave here today to begin my service to our Nation's first African-American President. The arc of the universe is long, but it does indeed bend toward justice, and the Senate of the United States has been an incredible instrument in assuring that justice.

So although you have not seen the last of me, I say for the last time, and with confidence in all of you, optimism in our future, and a heart with more gratitude than I can express, I yield the floor.

(Applause, Senators rising.)

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

Mr. CARPER. Mr. President, I was elected State treasurer at the age of 29, 4 years after JOE BIDEN was elected to the Senate. For the last 30 years or so, I have had the honor and in some cases the misfortune of following him as a speaker, throughout the State of Delaware and in some cases around the country. It is a tough act to follow and I wouldn't pretend to be able to do that.

Over the last 200 years that we have had a Senator, we have seen any number of great orators come here and speak in this Chamber, in some cases to mesmerize us, in other cases to inspire us and to change our minds. JOE has done all of those things again today and he does it perhaps as well as anybody.

People speak here today, as in the years in the past, and they quote Churchill; we quote John F. Kennedy, Martin Luther King. I am surprised he didn't quote one of his favorite Irish poets, Seamus Heaney, I think. He quotes him a lot. But the person I think I have heard Joe quote the most in his life has been none of those folks, none of those Irish poets, but it has been his mom and his dad. I wish I could ask for a show of hands, how many times have you had JOE BIDEN say to you: I give you my word as a BIDEN. If we could count them all up today in this room and if we could get a dollar a week—maybe we couldn't pay for the stimulus package but make a pretty good downpayment. Many times I have heard him say—he quotes his dad—I will paraphrase it: It is a lucky man who gets up in the morning, puts his feet on the ground, and knows the work he is about to do has consequence, substance, is meaningful.

A guy doesn't turn out like this by chance—to become the youngest, not only one of the two youngest Senators elected in the history of our country, he is also the youngest seven-term Senator in the history of our country.

His mom is still living. She lives in a property close to JOE and Jill's home. His dad is deceased. But I know we owe them a huge debt of gratitude because the values they instilled in him, the need to serve other people, and the Golden Rule. This is a man of deep faith. You wouldn't always know it, he doesn't talk a lot about it, but this is a person whose life and values were shaped as much by his family and his faith as anybody I know. I know his parents taught him to treat other people the way he would like to be treated. That led to his great involvement and support of the Civil Rights Act and underlies everything he does today.

All of us have families. All of us love our families. I do not think I know anybody in public life or outside of public life who is more committed to and who loves his family any more than JOE: Jill, his first wife Neilia, whom I never had the pleasure of knowing—I tell you he has a wonderful wife Jill. It is clear he loves her with all his heart. The three kids are not kids anymore; they are in their thirties and twenties. Beau is over in Iraq today serving in the National Guard. But there is an extraordinary bond between a father and a child.

It has been said the greatest gift that a father can give to his children is to love their mother. He doesn't just love their mother, he loves the kids, he loves the grandchildren. This is a loving guy with a family that is as strong as any I have ever seen. You heard the old saying I would rather see a sermon than hear a sermon. When it comes to family values, you see the sermon. You don't just hear it, you see it. We see the sermon.

In politics, I like to say our friends come and go but our enemies accumulate. When you think about the people JOE has talked about here today, from Eastland to Jesse Helms to Senator Thurmond—he didn't mention Phil Gramm—you would never imagine a guy who has his convictions, his philosophy, his commitment to civil rights and other causes—you would never imagine he would become their friend, confidant—and not so much for them to change him, but for him to change them and in fact this country.

JOE, you have been part of the glue that holds this place together. As we have said goodbye to a lot of good men in the last several weeks, it is a real sort of sense, not of bitterness, not of sweetness, but maybe bittersweet that we say goodbye to you today. The 8 years I have been here, I know there have been a lot of times when we sought to try to make sure the Vice President didn't come and cast a tie-breaking vote. My guess is in the time you serve for Vice President—4 years or 8 years, however long it is going to be; I hope it is 8—my guess is there will be times we orchestrate the votes so you will have to be here. I don't know if we can do it in a way that will allow you to come to the floor and give another speech like you have just given. Maybe we can figure it out.

But as a friend, as we say goodbye and move on to this next assignment in life: God bless our President-elect. He has made a terrific choice not just from Delaware, which is hugely happy and excited, but I think for our country and I think for the world. But I want to say, for the last 8 years, thank you for being my friend, my confidant. Thank you for being my adviser. Thank you for asking for my advice from time to time and listening to my advice. To your staff that is gathered here today, and your family up in the balcony, thank you for sharing with us a wonderful human being, for nurturing and bringing him along. The staff has provided such terrific support, almost like an extension of my own staff. We love your family and we love your staff and we are going to miss you. Thank you for always having my back, and for looking out for me and for making possible the extraordinary experience as a junior Senator for the last 8 years.

I understand your resignation becomes effective, is it 5 p.m. today? As I look at this clock here, I know for the next 5 hours, 49 minutes, I get to be a junior Senator and then after that I move up in the pecking order. But I will always be your junior Senator and your colleague and I hope your friend. God bless you in all your life ahead and thank you for all you have done for us and for me especially. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Thank you very much. You have been one of my closest friends and confidants and you will continue to be, and I appreciate your sentiment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. I am only going to take a few minutes, but I want to say a few things about my friend JOE BIDEN, certainly from this side of the aisle.

Mr. President, I rise today to pay tribute to Senator JOE BIDEN as his

service in the Senate representing the great state of Delaware ends and his service as our Nation's next Vice President is about to begin.

Like everybody else, when I think of JOE BIDEN, I first think of his family. As important as the Senate has been in defining his illustrious career, the man we know has been defined by his wife Jill and his children. Senator BIDEN, were he never elected to the Senate or the Vice-Presidency, has succeeded and accomplished much in this life when you see the tremendous job he and Jill did in raising Beau, Hunter, and Ashley.

Today, however, our remarks will focus on Senator BIDEN's legislative and other professional accomplishments. I can tell you firsthand that anyone would be hard pressed to find a more distinguished and effective legislator. In an age of endless cynicism toward our elected officials, let there be no doubt that the word ''distinguished'' is a truly fitting description of this extraordinary public servant. He is a friend of mine. I have been privileged to serve 32 years side by side with JOE BIDEN on the Judiciary Committee and I have nothing but respect for him.

Most of our work together was on the Senate Judiciary Committee, where Senator BIDEN served as chairman from 1985 until 1995. I served as ranking member for many of those years, and when I first served as chairman from 1995 to 1997, I had the good fortune of having JOE BIDEN as my partner on the committee, serving as ranking member. It was on the committee that I saw Senator BIDEN at work and learned a great deal.

I can think of no chairman of the Judiciary Committee who had a better sense of what he wanted to accomplish—a vision for the committee—than Senator JOE BIDEN. No one was more interested in the details of legislating than he was. The Violence Against Women Act, The Violent Crime Control Act of 1994, the drug czar's office and the COPS program all would not exist today were it not for his talents and leadership.

In one of my proudest moments as a U.S. Senator, I was joined by Senator BIDEN here on the Senate floor to hail the passage of the Adam Walsh Child Protection and Safety Act, which President Bush signed into law a week later, June of 2006. Senator BIDEN and I had introduced the bill only a year earlier, and we worked hard to see its passage in a relatively short amount of time. The bill was very significant and the law has changed the landscape with regard to sentencing, monitoring, adjudicating, registering and tracking sexual predators.

As chairman of the Judiciary Committee, Senator BIDEN mastered the Senate's dying art of legislating because he valued legislating. JOE BIDEN is not just a speech giver—though he is good at giving a long speech—he is an exceptional legislator. Majority Leader George Mitchell said he was the best Senate floor strategist he had ever worked with, and coming from George Mitchell, that's saying something, because George Mitchell was one of the best Majority Leaders we have had in the Senate. There are few like Senator BIDEN left in the Senate who have the skill and patience to carefully and thoughtfully develop an idea for policy reform; craft what he believes to be the ideal bill; patiently—and with the long view—establish a record through hearings, reports, and media engagement; build institutional support by corralling colleagues and crafting compromise; and skillfully managing the bill's passage on the floor.

Political pundits and the media have for decades tried to get a handle on what makes JOE BIDEN tick. Too often, they settled for the easy answer—JOE's ''a wild stallion that never felt the bridle'' or he is an ''unguided missile.'' That's nonsense. Senator BIDEN has proven himself to be an accomplished statesman with enormous personal vision.

I am proud he is going to be our next Vice President of the United States serving with, as he said, the first African-American President. We are all proud of that and we should be, and we should do everything in our power to help.

No one better captured the JOE BIDEN we know than the author Richard Ben Cramer, who won the Pulitzer Prize for his political reporting of the 1988 Presidential race in the classic book ''What It Takes.''

As a kid growing up in Scranton, ''there was (to be perfectly blunt, as Joe would say) a breathtaking element of balls.'' That was Richard Ben Cramer, not me. ''Joe Biden had balls. Lot of times more balls than sense. . . . What he was, was tough from the neck up. He knew what he wanted to do and he did it.'' Later in life as a lawyer, he applied that mental toughness and, another quote, ''cocky self-possession'' to his chosen career—politics. There, JOE BIDEN would envision what he wanted to achieve and how he wanted to achieve it. While the experts, staffers, and consultants we Senators come to rely on would buzz around him with advice and direction, JOE BIDEN would listen but know in his gut what to do. ''Joe could see the thing whole thing in his head, and what's more, he could talk it.''

In the end, what JOE BIDEN chose to take on and how he succeeded all rested on Joe's certainty. As Cramer wrote, ''Once he'd seen it . . . he knew what was supposed to happen . . . Hell, it was a done deal . . . and then it wasn't imagination, or even balls. Not to JOE BIDEN. It was destiny.''

That is from ''What It Takes,'' Richard Ben Cramer's book from 1993.

The record of JOE BIDEN's life is clear. Mr. Vice President-elect, you have had ''what it takes'' to be an accomplished Senator, and you have ''what it takes'' to be our Nation's Vice President.

Your tenure here has been marked with hard work, and much success, much pain, and much grief, much difficulty. Yet you remain humble and hardworking. The skills and abilities our Lord bestowed on you have been used mightily by you. Your integrity, truthfulness, and passion will continue to serve you and this great country of ours.

I thank you for your service, and thank you for your friendship, thank you for your continued sacrifice on behalf of this great Nation, and I tell you personally that I love you. I appreciate you very much. I care for you. I care for your family. We are going to be helpful to you as Vice President of the United States. And we hope you will not screw it up too badly there. We are going to be right there with you, if we can.

Joe, we are proud of you and we ask God to bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. I would like, if I may, Mr. President, to thank my friend from Utah for his kind comments. We have been buddies for a long time. I hope that continues in my new job.

Mr. KERRY. It is hard to imagine, at least for me it is hard to imagine, the Senate without JOE Biden—at least as a Senator on the floor, in the thick of the fray. That is not just because he came here as a kid, so to speak, not just because he chaired some of this institution's most important committees, but it is because of this particular moment that we find ourselves in, in the country.

This is the kind of moment Joe Biden loves to be in the middle of, legislating. Obviously, we take a very special pride in knowing that one of our own is about to become Vice President. While this makes him President of the Senate, for once I actually wish DICK CHENEY was right and that JOE was still a part of the legislative branch. But, make no mistake, the Senate's loss is President Obama's and the country's gain. JOE will bring a terrific strategic thinking and legislative experience to the challenges we face.

This is a special moment in so many ways, and it is an emotional moment. I have known JOE since we were both kids, in terms of this journey, since we first ran for office in 1972. We learned about each other then, reading the press clips of each other's races, hearing stories from mutual friends and joint campaign workers. The conventional wisdom of that year is that JOE couldn't win his race against an incumbent, Hale Boggs, who had been in office and winning elections in Delaware for 6 years. I, on the other hand, was favored to win mine. True to conventional wisdom, it turned out exactly the opposite way.

To this day, I like to kid our longtime friend, our New Jersey friend, John Marttila, who was deeply involved in both of our races back then, that if he had just spent a little more

time in Lowell, MA, and a little less time in Wilmington, things might have turned out differently. But for JOE and me, both in politics and in life, things have actually turned out pretty well, and I have loved sharing this journey with him.

In a lot of ways, JOE BIDEN is an old-fashioned kind of guy. He lives life and politics by what a lot of people think are the old rules, regrettably: Unfailingly loyal, your word is your bond, you tell the truth, you act on principle not ideology, and you keep faith with family and home, you never forget where your roots are or who you are, and you are consistent and honest in all your endeavors.

JOE BIDEN is all of that and a lot more in many personal ways. He is a patriarch to the core, in the best time-honored understanding of the meaning of that word. He never smiles more broadly or picks up more personal energy than when he is talking about his family. Frankly, to know JOE BIDEN is also to know a lot of Bidens.

Dozens of our colleagues, hundreds over the years, know that if you call JOE BIDEN with a late-night question, the odds are pretty high you are going to find him on that train, riding Amtrak home to be there with Jill, Beau, Hunter, Ashley, and the grandchildren. There is something pretty great about a Senator who makes sure to stop by his mom's house for ice cream or a kiss good night on his way home. That is exactly what JOE BIDEN would do with his 92-year-old spitfire mother, Jean Finnegan Biden. It is the lessons of that big, Irish, warm, protective family that JOE brought to the Senate. He is the big brother whose sister Val remembers him as her protector on the playground, the dad whom Beau and Hunter remember urging them to get up when they got knocked down on the soccer field, the boss who calls a staff member when they have a sick parent or who threatens to fire you if you miss your kid's birthday because you are working late for him.

This is someone in the Senate who had a reputation for not just talking about family values but living them. As JOE BIDEN said so movingly this morning: He saw the Senate as an extended family and here he applied the lessons his dad taught him in Scranton, that everything comes down to dignity and respect. He has always respected the institution, and he always respected the dignity and individuality of every single one of his colleagues.

One of the great stories that JOE told today, which has always spoken to me personally, is one that tells a lot about ushering in a new era of bipartisanship. When JOE first arrived in the Senate, he complained to the majority leader, Mike Mansfield, about a speech that another new Senator named Jesse Helms had made. Mansfield told him: JOE, understand one thing. Everyone is sent here for a reason; because there is something in them that their folks like. Don't question their motive.

Every one of us who has worked with JOE BIDEN knows how much he took this lesson to heart and how much we gain by applying it today. His example is clear. If you treat people decently, look for the best in them, you can sit down and work through divisive issues; not just score more political points but actually get something done.

JOE likes to talk about his first impression of Jesse Helms, but he is often too modest to talk about what happened later. Some people might have been surprised that JOE BIDEN, Jesse Helms, and I teamed up in the fight against global HIV/AIDS. Some never would have believed that together we could bring about what is today the largest public health expenditure or effort by any single country in world history. That is what happens when JOE BIDEN takes to heart the message of a wise warhorse such as Mike Mansfield, looks past the stereotypes, past the party labels, and throws out all the ideological language to find the common ground.

Nowhere did I see that more than on the issue of crime. Coming from the vantage point of being a prosecutor in the 1970s, who then became a Senator in the 1980s, I can tell you there was no more divisive, ugly wedge and emotionally charged issue than crime until JOE BIDEN and the 1994 crime bill. JOE put an end to the ''Willie Hortonizing'' of this issue. We worked closely together and put more cops on the streets of America. I remember JOE's passion and tenacity on that bill.

It was a huge, landmark piece of legislation, complicated, divisive—but not so because of JOE's enormous skill that shepherded it through the ideological minefields that otherwise might have been impossible. JOE was simply not going to accept defeat. He made dozens of trips to the White House, had dozens of meetings with congressional leadership, all to find a way to create common ground and ultimately pass a bill that resulted in the lowest crime rates in a generation. Every step of the way he sought out friends, he crossed the aisle, he worked the process and built allies and invited them to share not just in the work but also to share in the credit, which is, in the end, the best way to get things done here. That is leadership in the Senate and that is exactly how we make progress.

He also brought great skill to his stewardship in the Foreign Relations Committee. I served on that committee for the full 25 years I have been here, all of it with JOE BIDEN and some of it with JOE BIDEN as our chair. Let me give an example.

When Russian tanks rolled into Georgia, respecting Georgia's sovereignty became a sound bite for a lot of people, but for JOE BIDEN it was a moment to pick up a phone, call up an old friend, someone he had met as a young Parliamentarian, who was then in his twenties. So JOE BIDEN got on a plane, took that flight all night, and sat on a hilltop in Georgia with his old friend, Mikheil Saakashvili, and together they talked to not just about the security of Georgia but the security of a man who was then in very real danger, a man JOE BIDEN believed was willing to die for democracy.

This is just one small example of the emotional intelligence and personal touch that had been the calling cards of JOE's career in public life for decades.

As we all know, JOE is blessed with a big, all-encompassing Irish sense of humor, an ability to have fun amidst all the rest of the tensions and stress and chaos. We still joke about the trip we took with Chuck Hagel to a forward operating base in Kunar Province in Afghanistan in the middle of winter and our helicopter wound up getting caught in a blizzard. We had just received a briefing that, where the modern road system ends, the Taliban begins. Lo and behold, the next thing we knew, we had a forced landing high on a mountaintop on a dirt road with nothing around us. We sat around swapping stories for a while and came up with a few contingency plans in case the Taliban attacked. First, we thought—use the hot air of three talkative Senators and the helicopter will rise. Then we figured failing that we will talk the Taliban to death. Ultimately, we figured we would let JOE BIDEN lead a snowball charge and that would be the end of the deal. But our superb military protectors, efficient as always, soon had us out of there, safe and rescued, and we have had a good time laughing about it ever since.

Later, when I told him my plan to have him lead the brigade, JOE, reliving his Blue Hen college football glory days, flexed his right arm and said in that inimitable Biden way: The Taliban? They are not worth my rocket arm.

As chairman of the Foreign Relations Committee, JOE applied a no-holds-barred, unvarnished truth-telling to many politically sensitive issues. In the middle of his own Presidential campaign, he didn't hesitate to ask whether our counterterrorism policy had turned a deadly serious but manageable threat, a small number of radical groups that hate America, into a 10-foot-tall existential monster that dictates nearly every move we make. It was not a poll-tested or popular question, but it was a sign of leadership and a mark of vision that will serve America well when he takes the oath as Vice President of the United States.

Let me share one last story involving my senior Senator, TED KENNEDY, who has been an incredible mentor, both to me and to JOE, since we both got into this business.

Years ago, when TED KENNEDY joined the Armed Services Committee, Senate rules dictated that TED had to step down from the Judiciary Committee. That would have made JOE the chairman. So JOE had all the interest in the world for that to happen. But, instead—and I suppose I should say what

Senator in their early forties, presented with the choice, wouldn't have loved to have had the responsibility of the Judiciary Committee. But JOE BIDEN went to the caucus and he gave them an ultimatum. He said point blank: This is ridiculous. I wouldn't serve as a chairman unless I have TEDDY KENNEDY on my side on this committee.

Make no mistake, TED KENNEDY moved to Armed Services, but he stayed on the Judiciary Committee. Together, they fought some of the greatest confirmation battles in the history of the Supreme Court. No one can imagine the Judiciary Committee without TED KENNEDY's decades of focus and fire. But the Senate should know it would not have been possible if it had not been for JOE BIDEN's youthful challenge to the leadership to get him to be able to stay there.

JOE is one of the people in the Senate whom I have had the privilege of enjoying now for a quarter of a century and one of the people, obviously, I have enjoyed serving with the most. We have been through a lot. We have shared a lot, good and bad, ups and downs. What is exciting is, frankly, we still have a lot more to come. While JOE is making that short ride up to the other end of Pennsylvania Avenue, I know there is one thing that is not going to change. We are always going to be able to count on him to be the same JOE BIDEN, and I know we can take that to the bank. When JOE works with us in these next months—and he will work with us intensely—and when he says to you: I give you my word as a Biden that this is going to happen, we can take that to the bank and know it will happen.

We are very proud of our colleague, Senator BIDEN. We wish him well and Godspeed. We look forward to seeing him as the presiding official of this body, but, more importantly, we look forward to working with him on the enormous challenges this country faces.

Mr. LUGAR. Mr. President, I rise to honor my good friend and our distinguished colleague, JOE BIDEN, who will be ending his remarkable Senate career to assume the office of the Vice President of the United States. It has been my great privilege to serve with JOE BIDEN in the Senate for 32 years. He and I have served together on the Foreign Relations Committee for all of the 30 years that I have been a member of that panel. He entered the Senate as the sixth youngest person ever elected to this body, having been elected at age 29 and seated soon after he reached the constitutionally required 30 years of age. He leaves as the longest serving Senator in the history of his State and the 14th longest serving Senator in U.S. history. He has cast more Senate votes than all but nine other Senators in history.

JOE BIDEN comes from a modest Irish-Catholic background. He started out in Scranton, PA, where his father was a used car salesman and his mother was a homemaker. The oldest of four children, JOE and his family moved to Claymont, DE, where his father had found a better job. It may be hard for many to believe today, but as a teenager, JOE had trouble speaking because he had a stutter. But showing the grit and determination we all have come to know, he undertook to give a speech to his entire school as a way to force himself to overcome his impediment. At the University of Delaware, he majored in history and political science, and he received a law degree from Syracuse University.

He started practicing law and worked as a public defender, but perhaps because his grandfather had been a State senator in Pennsylvania, he was soon attracted to politics. At the young age of 27, he was elected to the County Council of New Castle County in Delaware. Two years later he surprised all the political experts in his State, as well as his opponent, by defeating an incumbent Senator in a presumably ''safe'' seat. The margin of victory was just over 3,000 votes, but JOE went on to increase his vote totals in subsequent reelection races

Although JOE was elected at an especially young age, it would be wrong to say that he led a charmed life. In fact, just the opposite is the case. Just weeks after his election, his wife Neilia and his youngest child Naomi were killed in a car crash while Christmas shopping. His two other children, Beau and Hunter, were critically injured. Naturally, the tragedy was devastating to JOE, and he considered dropping the Senate seat to tend to his stricken family. The distinguished majority leader at the time, Mike Mansfield, persuaded JOE to reconsider, and he took the oath of office at his sons' hospital bedside.

It was the start of a long career of dedicated service in the Senate. It also was the start of a tradition for which JOE has become famous—his regular commute on Amtrak from Wilmington down to Washington when the Senate was in session.

When I arrived in the Senate 4 years later, JOE had already established a reputation as a dynamic presence on Capitol Hill. In 1979, I joined him on the Foreign Relations Committee, where he had become a member in 1975. We have served together ever since, and I have benefitted greatly from JOE's friendship during that time. I have always believed that foreign policy is most effective when it is done in a bipartisan manner, and in JOE I found an able partner willing to work across the aisle to achieve important victories on behalf of the country and the American people. Some of the battles have not been easy. I recall, for instance, the difficult job we had in achieving passage of the Chemical Weapons Convention during President Clinton's administration. We celebrated another major victory last year with the passage of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act. Recently, our collaboration led to the joint sponsoring and introduction of the Enhanced Partnership with Pakistan Act. We have worked closely on legislation related to Iraq, Afghanistan, climate change, tropical forest conservation, international violence against women, the control of global pathogens, and numerous arms control measures.

Each of us has twice been chairman of the Foreign Relations Committee, and we and our staffs have worked with special purpose during those times. We share the belief that the Foreign Relations Committee occupies a special place in history and is an essential component of a successful U.S. foreign policy. It is because of JOE's wide experience, keen mind, steady hand and strong advocacy that he was chosen by our Committee colleague, Senator Obama, to be his vice presidential running mate.

While I will deeply miss working with JOE on the committee, I look forward to joining with him to achieve further accomplishments while he is vice president. Besides a new commuting routine, he will face many challenges, and I know he will gain strength from the support and affection of his family: his lovely wife Jill, their daughter Ashley, and his two sons, Beau and Hunter, as well as their five grandchildren. I wish them all the best as they begin this exciting new chapter in their lives.

Mr. BYRD. Mr. President, on this cold January morning, I am being kept warm by four glorious words that keep running through my mind—those four words are: ''Vice President JOE BIDEN.'' I love the sound of that. It is music to my ears.

I have known JOE BIDEN for nearly four decades, since he was first elected to the Senate in 1972. I have been enriched by his friendship. I have appreciated his commitment to public service. I have watched his work as chairman of the Senate Foreign Relations Committee and the Senate Committee on the Judiciary. I have admired the enthusiasm and dedication he has brought to his work every single day he has been a U.S. Senator.

His years of service in this institution will be one of his greatest assets in the years ahead. During his tenure in the Senate, JOE has gained a priceless working understanding of the importance of our constitutional systems of checks and balances and separation of powers. He has stood on this floor and argued long and hard—with fire in his belly—against executives of both political parties when he felt it was in the best interests of this Nation. We have all watched him, time and again, pacing this floor, speaking in that rhythmic JOE BIDEN way—drawing us in with a shout and then punctuating his point in whispered tones. I can see him now, putting the White House on notice, and defending the advice and

consent authority of Senators. JOE has seen how this part of the government—the people's branch—lives. He will assume his new job fresh from membership in the world's greatest deliberative body. Those Senate years will, I believe, serve him, the country, and the people, well.

Senator BIDEN is moving on, and while I regret losing him as a colleague here, I am heartened by the experience and wisdom he takes to his new duties. I believe that he will be a great Vice President. My good friend and former colleague, President-elect Obama showed outstanding judgment when he selected Senator JOE BIDEN to be his running mate.

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

Mr. REID. Mr. President, the regular order is that HILLARY CLINTON was to be recognized at 11 o'clock. There are a lot of people who want to say some things about Senator BIDEN and HILLARY CLINTON. We have votes scheduled at noon. So I would ask the Chair, under the order, to recognize the Senator from New York, Mrs. CLINTON.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

FAREWELL ADDRESS

Mrs. CLINTON. Mr. President, I am once again, and, if confirmed, for the last time, honored, privileged, and proud to address you as a Senator from the great State of New York; to stand in this Chamber; to be amongst my colleagues with whom I have won legislative victories, suffered defeats, and made lasting friendships; to serve my fellow New Yorkers; to speak amidst the echoes of historic and fiery debates which have shaped the destiny and promoted the progress of this great Nation for more than two centuries.

And I am gratified by the overwhelming support and vote of confidence from my colleagues on the Senate Foreign Relations Committee and I look forward to working with them and continuing the conversation we began on Tuesday. And of course, I am so eager to continue working closely with my friend, and the Vice President-elect, JOE BIDEN.

I have loved being part of the Senate, working alongside public servants of both parties who bring to bear their expertise and enthusiasm to the difficult, painstaking, and occasionally contentious work of turning principle into policy and policy into law. And I assure you I will be in frequent consultation and conversation with my colleagues here in the Senate.

I also have been so fortunate to have what is, objectively, the best Senate staff, both in Washington and in New York that has ever been assembled, led and inspired by my Chief of Staff and friend, Tamera Luzzatto.

In outlining the purpose of the world's greatest deliberative body, the authors of the Federalist Papers wrote that in part the Senate's role would be to avert the consequences of ''sudden and violent passions'' and ''intemperate and pernicious resolutions.''

Well, I think each of us at times has wished that the Senate would be ever so slightly less ''temperate.'' But it is to the lasting credit and everlasting wisdom of our Founders that we come together, representatives of every State, members of both parties and neither party, in the hopes of finding common ground on which to build a stronger, safer, smarter, fairer, and more prosperous country for our children and our grandchildren.

As I look back on 8 years of service here, and as I have spoken with many of you in recent days about the challenges that lie ahead, I find myself reflecting on the work we have done as well as the work that remains at this moment of tumult and transformation.

I asked the people of New York to take a chance on me. To grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, and as New York has faced challenges amongst the greatest in our State and Nation's history, I have worked hard to keep faith with my fellow New Yorkers.

I remember when I first arrived in the Senate. There were a few skeptics. Many wondered what kind of Senator I would be. I wondered where the elevators were. But I believed my charge on behalf of the people of New York and the Nation was to devote myself fully to the task at hand. So I got to work.

No sooner had I taken office, 9 short months into my first term, the Nation was attacked on 9/11. The toll was devastating and New York would bear the heaviest burden. Nearly 3,000 lives were lost. The World Trade Center lay in ruins. A toxic cloud of debris and poison rained down over first responders, building and construction trades workers, residents, students, and others.

We all remember as citizens and Senators the sense of common purpose that arose as if to extinguish the hate and violence that took so many innocent lives. In particular, I want to point out the many kindnesses of my fellow members who offered their words, and deeds, in support of the people of New York.

In one moving gesture, Senators sent staff members to help answer the ringing phones in our office as New Yorkers struggled to track down family members and turned to our offices for help. I am also grateful to Senator ROBERT BYRD who said at my State's hour of need, ''Think of me as the third Senator of New York.''

I remember visiting Ground Zero on September 12th with my colleague, Senator SCHUMER, to personally survey the devastation and to thank the first responders who were working night and day, in danger and difficulty, on what would become known as ''the Pile.''

The air was acrid. Thick smoke made it hard to breath.

We knew then that there would be lasting health problems for first responders, volunteers, workers, and others who rushed to provide assistance following the attacks.

Two days later, Senator SCHUMER and I went to the Oval Office and secured a commitment from President Bush for $20 billion in Federal aid for New York's recovery. In the years that would follow, Senator SCHUMER and I would fight successfully to ensure that money was delivered as promised.

In this and every instance, I have been grateful to have had Senator CHARLES SCHUMER as a partner and ally. New Yorkers could not ask for a more effective and determined Senator to fight for them. And I feel fortunate that if I miss seeing my friend CHUCK, I can turn on the television to catch his latest Sunday press conference.

Over the past 7 years, in a fight that continues, we have worked to bring business back to downtown and to secure funding for programs to provide health screening, monitoring, and treatment for all those suffering health consequences as a result of the attacks.

We have at times clashed with the administration while holding firm to our commitment to these efforts.

And I have developed close and lasting relationships with many of the families of the victims of 9/11 who in their grief have come together to fight for health monitoring and for smarter policies to prevent future attacks.

Together, we advocated for the creation of the 9/11 Commission and for the successful implementation of its findings, including funding based on threat assessments and better resources for first responders.

These efforts would become a model for finding common ground where possible, and standing your ground where necessary. For coordinating between Federal, State and local governments. For forging new partnerships between Government, academia, labor, and the private sector, and between members of both parties. A model for decisions based on sound evidence and solid facts, and for achieving results.

This is how we approached many of the economic challenges facing New York. So many New Yorkers have lost jobs, or have seen their jobs paying less and their benefits covering less than before.

I have met many who have lost health care or seen their premiums double. Who are unable to afford a college education or find good work, or pay rising mortgage bills. Who feel as though the hardworking middle class in this country experience the risk but not the reward of a global economy.

So I have worked hard to help make investments in New York's economy, by coauthoring a law to expand renewal zone tax incentives for new jobs across upstate New York; helping to raise the minimum wage; working to extend unemployment insurance; securing $16.5 billion in transportation

funding; and increasing funds for Amtrak and high speed rail.

We passed legislation to create training programs for green-collar jobs that will help New York workers fill 21st century jobs that will in turn help end our dependence on foreign oil and fight climate change.

And we prevented the closure of military installations and facilities, including the Niagara Falls Air Reserve Station, Rome Labs, and the Defense Finances and Accounting Service in Rome, which keep our Nation safe and employ thousands in New York.

Even when we have faced obstacles, we have never given up. We have often promoted what President Franklin Delano Roosevelt called ''bold, persistent experimentation.''

We helped expand broadband access across rural areas in the North Country.

We secured into law funding to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in Corning and Jamestown.

In the Finger Lakes and North Country we partnered with eBay and local universities and companies to create 21st century co-ops that help small businesses get the micro-loans and training to reach global, not just local, markets.

In Rochester, we developed the first-ever Greenprint: a blueprint for how the city can harness its research institutions, innovative businesses, proactive local leaders, and talented workforce to become an even stronger clean energy leader.

We brought Artspace to Buffalo and secured funds for cultural centers like Proctors Theater in Schenectady, Stanley theater in Syracuse, and the Strand Theater in Plattsburgh, creating a model for urban revitalization and economic development centered on cultural projects.

I have worked to promote heritage tourism in places like Seneca Falls, home of the National Women's Hall of Fame and the site of the landmark Women's Rights Convention of 1848.

New Jobs for New York brought together more than 2,600 entrepreneurs, investors, and researchers across New York to obtain capital, share ideas, and grow New York businesses.

Farm to Fork created new markets for New York's agricultural producers in New York's restaurants, schools, and colleges. And our annual Farm Day here in the Capitol showcased New York farmers and vintners.

With investments in transportation to ease congestion and pollution on Long Island, in Westchester, and in the Hudson Valley, renewable energy and nanotechnology in the capital region's ''Tech Valley,'' biomedical research in Buffalo, Biotechnology in Syracuse, microcredit in the Finger Lakes, we have demonstrated to companies large and small that New York, with our talented workforce, world-class educational institutions, and affordable, safe communities, is a wonderful place to do business. In fact, as you know, I recently took a detour through many of my colleagues' States where I had the opportunity to brag about New York and the kinds of innovative strategies we are putting into practice.

Some 8 years ago, I first spoke on the Senate floor. The topic was, to no one's surprise, health care. And in the years since, I have continued my commitment to achieving quality, affordable health care for all Americans, no exceptions, no excuses. I was proud to be part of the bipartisan coalition which passed the ''Pediatric Rule'' into law, ensuring that drugs are tested and labeled for safety and effectiveness in children.

We have expanded newborn screening. We were able to thwart the Bush administration's attempt to undercut community health clinics and broker a compromise to keep tens of millions of dollars in HIV/AIDS funding in New York through the Ryan White CARE Act.

Because of our work, groundbreaking legislation now provides respite care for family caregivers; safety measures to prevent tragic injuries to children in and around cars; new resources for grandparents and other kinship caregivers raising children; and more affordable college for students, particularly nontraditional students who are studying while working or raising a family.

I have also been proud to serve on the Senate Armed Services Committee, the first New York Senator to do so, and to be the only Member of the Senate asked to serve on the U.S. Joint Forces Command's Transformation Advisory Group.

With my fellow members of the committee, we have expanded access to TRICARE for all drilling members of the Guard and Reserve; improved health tracking for servicemembers, especially important in treating complex, invisible injuries like post-traumatic stress disorder and traumatic brain injury; and we have passed the first ever expansion of the Family and Medical Leave Act so loved ones can take 6 months of leave to care for family members injured in service.

I have visited with members of the Armed Forces at military facilities across the State, including 10 visits to Fort Drum, and I have met with our troops serving in Iraq and Afghanistan, as well as those recovering at Walter Reed and at the military hospital in Landstuhl, Germany.

From the firefighters, police officers, and citizens who responded on September 11, to the men and women of the 10th Mountain Division, known as the most deployed division in the army, New Yorkers have answered the call to serve. I have worked hard to honor the principle that we should serve those who serve us.

I am proud of the progress we have made, often against tough obstacles and even tougher odds, under the leadership of Senator HARRY REID who has led with intelligence and grit.

But of course there remains a long way to go.

The House has passed the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act on behalf of women and others seeking equal pay for equal work. I hope we can pass these bills into law. We have moved Health IT ever closer to the finish line, which holds so much potential for reducing waste, errors, and costs while creating whole new data sets for research and avenues for innovation.

I was dismayed when we were unable to expand the Children's Health Insurance Program to millions of uninsured children under the current President, though I am hopeful we will do so under the leadership of President-elect Obama. Providing health care for every single child, as we work toward coverage for every single American, is in our duty and in our reach.

There are so many other works in progress that I hope will be pursued by my fellow Senators. And I have spoken with many of you about taking on the mantle and continuing the work of legislation I have proposed over the past 8 years.

Finally, to my fellow New Yorkers, I want to express my profound gratitude. Thank you. I love being your Senator. Serving you has been the opportunity of a lifetime to continue the work of my life. To advocate on behalf of every single child's chance to live up to his or her God- given potential. To fight so that no one feels as though they are facing life's challenges alone, as if they were invisible.

And we have had fun. 8 State fairs, 45 parades, 62 counties, and more than 4,600 events across the State. But who is counting?

As I look back somewhat wistfully, and look forward hopefully, as I seek now to serve the country in a new role sustained by the same values that have motivated me for nearly four decades in public service, I am grateful to my colleagues in the Senate, to the superb Democratic staff, to my own staff here and across New York, to my supporters, and to the people of New York for this opportunity and responsibility that has meant the world to me.

I may not have always been a New Yorker. But know that I will always be one. New York, its spirit and its people, will always be part of me and part of the work I do.

I look forward to continuing to work with my colleagues in the Senate, albeit if confirmed, in a new capacity, through this challenging time, at this defining moment, always with faith in my fellow Americans and optimism for all that we can achieve by working together.

Mr. President, I am so honored to be here at the same time with my friend and colleague whom I admire so much and have such great affection for, the Vice President-elect, JOE BIDEN.

I listened with enthusiasm and a lot of sentiment to the speech he delivered

a few minutes ago. And the way he evoked the Senate and the relationships that are developed here and the work that is done on behalf of our country was as good as I have ever heard it.

So I am deeply honored and privileged to be here with him and to address this Chamber as a Senator from the great State of New York, perhaps, if I am confirmed, for the very last time, and particularly amongst colleagues whom I have come to respect and like so much, and whose work I believe is always in the best interests of their States and their country, even when we are not in agreement.

I am gratified by the support and vote of confidence I received earlier this morning from the Senate Foreign Relations Committee. And I am eager, should I be confirmed, to get to work with the President-elect and with the Vice President-elect and with all of you. I have loved being in the Senate working alongside public servants of both parties who bring their expertise and enthusiasm to the difficult, painstaking, and occasionally contentious work of turning principles into policy and policy into law.

I also have been fortunate during these past 8 years to have been served by what I objectively believe is the best Senate staff ever in Washington and throughout New York. This incredible group of people has been assembled, led, and inspired by my chief of staff and my friend, Tamera Luzzatto. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the names of all of those with whom I have worked over the last 8 years, because I could not be standing here speaking to you were it not for them.

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

(See exhibit 1.)

Mrs. CLINTON. I ask unanimous consent to have printed in the RECORD a catalog of the work and achievements which they have brought about.

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

(See Exhibit 2.)

Mrs. CLINTON. In the Federalist Papers, we often hear the reference to the Senate's role, to avert the consequences of ''sudden and violent passions'' and ''intemperate and pernicious resolutions.''

Well, to the everlasting credit and wisdom of our Founders, we do come together in an effort to find common ground.

As I look back on my 8 years of service, I find myself reflecting on this tiny piece of Senate and American history. Some 10 years ago, I asked the people of New York to take a chance on me, to grant me their trust and their votes. In the years since, as our economy has grown more interconnected and the world more interdependent, I have worked to keep faith with my fellow New Yorkers.

I well remember, when I first arrived in the Senate, there were a few skeptics wondering what I would do and how I would do it. There were stalwart supporters and people such as my friend, Senator BARBARA MIKULSKI, who kind of read me the rules of the road and set me on my way.

No sooner had I figured out the way around the Senate, actually had just moved into my office, which all of our new colleagues will eventually be able to enjoy, and had gone off on my first August recess. I never, when I was on the other end of Pennsylvania Avenue, understood why the Senate went on recess all the time. But after the intensity of the workload and the extraordinary pressure of both the work here in Washington and the constituency work in our States, I was thrilled and relieved to see that August recess roll around.

Shortly after we returned in 2001, our Nation was attacked on 9/11. The toll was devastating and New York bore the heaviest burden. Here I was, a very new Senator, and my city and my State had been devastated. Nearly 3,000 lives were lost, the World Trade Center in ruins, a toxic cloud of debris and poison raining down over our first responders and others.

I well remember the rallying of support and sense of common purpose that all of my colleagues and the citizens of all of the States represented here showed toward me personally and toward New York. Many of you offered not only kind words but specific deeds. Senators sent staff members to help answer the ringing phones in our office as New Yorkers struggled to track down family members or to seek aid.

I will never forget Senator ROBERT BYRD telling me at my State's hour of need, ''Think of me as the third Senator from New York.''

On September 12, my colleague CHUCK SCHUMER and I went to New York. As you recall, the roads were shut down, there was no way in or out of Manhattan other than by rail. The skies were clear. So CHUCK and I, in a plane provided by FEMA, were the only ones in the sky that day other than the fighters who were circling overhead.

We landed at La Guardia. We got into a helicopter to fly to the heliport on the west side of Manhattan, on the west side of the Hudson River. And then we proceeded, with the Governor, the mayor, and Federal officials to go toward the horror.

When we were circling in the helicopter above the World Trade Center site, we could see the smoke still coming up, because it was, of course, burning. And we could see the very fragile piles of scrap and steel teetering as firefighters, construction workers, tried to continue their search and rescue effort. That site was as close as I have ever seen to what Dante describes as hell.

It became known as ''the Pile.'' CHUCK and I and our Government colleagues walked along one of the streets, and could not even see beyond the curtain of blackness, and occasionally breaking through would come a firefighter, totally exhausted after having been on duty for 24 hours, dragging an axe, knowing already that friends and even family members had been lost.

The air was acrid. The thick smoke made it hard to breath. It burned your throat and your lungs. I knew then there would be lasting health problems for everyone who was exposed over any period of time to that air that carried so much death and destruction.

Two days later, Senator SCHUMER and I went to the Oval Office and secured a commitment from President Bush for $20 billion in national aid for New York's recovery. In the years that would follow, he and I have stood side by side to fight for the successful delivery of that money as promised. In this and every instance, I am grateful to have had Senator SCHUMER as my partner and my ally. No one fights harder or is more determined, and even though I am leaving the Senate and we will no longer serve together, I know that whenever I am missing CHUCK, all I have to do is turn on the television, especially on Sunday in New York.

Over the past 7 years, thanks to so many of you, Senator INOUYE, Senator COCHRAN, and others on the Appropriations Committee—I see Senator HARKIN and Senator MURRAY—you have been there with us as we have worked to recover.

I am very proud of the progress that has been made bringing New York back and securing funding for the essential programs to provide health screening and monitoring and treatment for all of those who still are suffering.

I have developed close and lasting relationships with many of the victims and the families of the victims of 9/11. I applaud and thank them for their courage and their fortitude in not only fighting for the health benefits that were so desperately needed but for the creation of the 9/11 Commission, for trying to do better on threat assessments, more resources for first responders, committed, despite their grief, to smarter policies to prevent future attacks on our Nation.

I see what we did together, and then quickly followed by that the anthrax attacks, and I remember with such incredible gratitude how we all came together. We should not only come together with that level of connection and commitment in time of disaster. This is an opportunity for us to pull together, with the new administration, to make a real difference, a lasting difference for our Nation. That is what I have tried to do as a Senator from New York.

It has been a privilege working to improve the upstate economy, working on behalf of the farmers of New York. I remember a short conversation one day with KENT CONRAD, BYRON DORGAN, TOM HARKIN, and MAX BAUCUS early after my arrival about how I wanted to help agriculture in New York.

They looked at me so quizzically and said, you have farmers in New York? I said, yes, in fact we do, about 30, 40 thousand family farms.

KENT CONRAD looked at me and he goes, you know, I do not believe that at all. So I gave a speech one day with a picture of a cow and said that this is a cow that lives on a farm, and the farm is in New York. We had a lot of fun kidding each other but working hard together.

I am grateful for the incredible efforts we made to support the people who do the hard work in New York and America, who get up every day and do the very best they can.

In the Finger Lakes region in the North Country, we helped to expand broadband access and partnered with eBay to create a way for people to have a global marketplace, when before the market was limited to a very small region of our State.

We looked for ways to retrofit trucks and schoolbuses and other heavy vehicles with new clean diesel technologies developed by two great companies in New York, in Corning and Jamestown, to clean up our environment.

We created the first ever greenprint for Rochester—a blueprint, really, for how the city can harness its extraordinary research institutions and their business leadership and others to come up with a way to be a clean energy leader.

We worked across the State to target investments from Bioinformatics in Buffalo to cultural icons such as the Stanley Theater in Utica. I took special pleasure in working with tourism because New York is such a great place of historic culture that I believed it needed to be given more support. For me, going to Seneca Falls, the home of the National Women's Hall of Fame and site of the landmark Women's Rights Convention, the first in the world in 1848, was a labor of love.

There is a lot to look back on with great nostalgia and a lot of excitement, but I want to look forward now because we are at a turning point. I know that very well, as all of you do. Our challenge will be to come together, putting aside partisan differences and even, insofar as we can, geographic differences to meet the challenges of our time. I know our two leaders are struggling to do that as we speak. But I think this could be one of the golden eras of the history of the Senate. This could be a time when people will look back and say: You know, you never can count America out. Whenever the chips are down, we always rise to the occasion. We figure out a way forward and then we make life better for our people. We extend peace and prosperity and progress throughout the world. I am very excited about what can happen in the next 4 years. There is a lot of work ahead of us, but I know the people in this Chamber are more than up to it.

Finally, to my fellow New Yorkers, I wish to express my profound gratitude. I loved being your Senator. Serving you has been the opportunity of a lifetime. It gave me the chance to continue the work of my life, to advocate on behalf of every single child's chance to live up to his or her God-given potential, to fight hard for those who too often do feel invisible, to remedy wrongs, as I hope we will do either today or in the next few days to pass the Lilly Ledbetter Fair Pay Act as well as the Paycheck Fairness Act, to do what we know will give our fellow Americans a better shot at the kind of future that is within their grasp.

I have had a lot of fun: 8 State fairs, 45 parades, 62 counties, more than 4,600 events across the State. I look back wistfully, and I look forward hopefully. I now, if confirmed, will have the high honor of serving our country in a new role, but I will be sustained and directed by the same values that have motivated me for nearly four decades in public service.

So to my colleagues in the Senate, thank you. You have been wonderful teachers and mentors and very good friends. And to the superb Democratic staff and their Republican counterparts who keep this Chamber going day-in and day-out no matter how late we are here and how long the workload turns out to be and to my own staff here and across New York, to my supporters, and, most of all, to the people of the great Empire State, I may not have always been a New Yorker, but I know I always will be one. New York, its spirit, and its people will always be part of me and of the work I do.

I look forward to continuing my association with this body. We have much to do over in Foggy Bottom. We need your help to kind of clear up the fog, to give us a chance to operate on all cylinders with the direction and the resources and the improved management techniques I hope to bring to the job.

This is a challenging and defining moment, but I will always keep faith in this body and in my fellow Americans. I remain an optimist, that America's best days are still ahead of us.

(Applause, Members rising.)

EXHIBIT 1

LIST OF SENATOR HILLARY RODHAM CLINTON'S STAFF, PAST AND PRESENT

Huma Abedin, Barbara Adair, Joshua Albert, Amanda Alcott, David Alexander, Lily Alpert, Karl Alvarez, Erin Ashwell, Kris Balderston, Brendan Ballard, Mary Catherine Beach, Kathleen Beale, Eric Bederman, Yael Belkind, Suzanne Bennett Johnson, John Biba, Nina Blackwell, Swathi Bojedla, Amy Bonitatibus Crowley, Victoria Brescoll.

M. Tracey Brooks, Catherine Brown, Colleen Burns, Daniel Burton, W. Case Button, Wendy Button, Gloria Cadavid, Emily Cain, Cathleen Calhoun, Jonathan Cardinal, Brian Carter, Joseph Caruso, Robin Chappelle, Dana Chasin, Bradford Cheney, Pamela Cicetti, James Clancy, Sarah Clark, Jennell Cofer Lynch, Elizabeth Condon.

Sean Conway, Sam Cooper, Theresia Cooper, Julie Dade Howard, Heather Davis, Jenny Davis, Samuel Davis, Trevor Dean, James Delapp, Amitabh Desai, Allison DiRienzo, Paula Domenici, Karen Dunn, Eleanore Edson, Cleon Edwards, Diane Elmore, Sarah England, Leecia Eve, Christine Falvo, Rebecca Fertig.

David Garten, Ann Gavaghan, Sarah Gegenheimer, Gigi Georges, Kate Geyer, Dayna Gibbons, Robyn Golden, Rebecca Goldenberg, Stacey Gordon, Jennifer Hanley, Monica Hanley, Beth Harkavy, Jennifer Harper, Jennifer Heater, David Helfenbein, Luis Hernandez, Eric Hersey, Christina Ho, Melissa Ho, Joe Householder.

Kara Hughes, Jehmal Hudson, Lucy Walker Irving, Lindsey Katherine Jack, Kelly James, Tiffany JeanBaptiste, Irene Jefferson, Lauren Jiloty, Keren Johnson, LaToya Johnson, Michael Kanick, Jody Kaplan, Wendy Katz, Peter Kauffmann, Jim Keane, Elizabeth Kelley, Michelle Kessler, Yekyu Kim, Heather King, Joshua Kirshner.

Danielle Kline, Kathleen Klink, Benjamin Kobren, Justin Krebs, Jennifer Kritz, Michelle Krohn-Friedson, Laura Krolczyk, Grant Kevin Lane, Elizabeth Lee, Joyce Lenard, Alexandra Lewin, Andrew Lewis, Rachel Alice Lewis, Susan Lisagor, Eric Lovecchio, Jonathan Lovett, Frank Luk, Tamera Luzzatto, Ken Mackintosh, Sharyn Magarian.

Mickie Mailey, Jamie Mannina, Jaime Martinez, Ramon Martinez, Shalini Matani, Chelsea Maughan, Corinne McGown, Lorraine McHugh-Wytkind, Michelle Dianne McIntyre, Luz Mendez, Sheila Menz, Susan Merrell, Noah Messing, Lauren Montes, Gillian Mueller, Timothy Mulvey, David Mustra, Matthew Nelson, Ray Ocasio, Ellen Ochs.

Ann O'Leary, Alexis O'Brien, Kevin O'Neal, Sean O'Shea, Mildred Otero, Erica Pagel, Andrea Palm, Costas Panagopolous, Paul Paolozzi, Kathryn Parker, Mira Patel, Charles Perham, Karen Persichilli Keogh, Joshua Picker, Kyla Pollack, Tyson Pratcher, Alice Pushkar, Murali Raju, Jeffrey Ratner, Kathy Read.

Philippe Reines, Robyn Rimmer, Brenda Ritson, Joleen Rivera, Melissa Rochester, Miguel Rodriguez, Rose Rodriguez, William Rom, Tracey Ross, Laurie Rubiner, Courtenay Ruddy, Mark Saavedra, Susie Saavedra, Joshua Schank, Daniel Schwerin, Kelly Severance Nelson, Ruby Shamir, Andrew Shapiro, Geraldine Shapiro, Jessica Shapiro.

Jyoti Sharma, Debra Simpson, Basil Smikle, Jake Smiles, Sarah Smith, Benjamin Souede, Phillip Spector, Joanna Spilker, Aprill Springfield, Dileep Srihari, Anjuli Srivastava, Warren Stern, Deborah Swacker, Elise Sweeney, Sean Sweeney, Michael Szymanski, Neera Tanden, Lee Telega, Gabrielle Tenzer, Megan Thompson.

Carrie Torres, Tam Tran-Viet, Leo Trasande, Lacey Tucker, Dan Utech, Lona Valmoro, James Vigil, Lorraine Voles, Kristen Walsh, Greg Walton, Enid Weishaus, Nicole Wilett, Joshua Williams, Jeanne Wilson, Erica Woodard, Yajaira Yepez, Maryana Zubok.

EXHIBIT 2

SENATOR CLINTON: CHAMPION FOR NEW YORK

For eight years in the United States Senate, Hillary Rodham Clinton has been a champion for the people of New York, achieving results often in the face of tough challenges and tougher odds. That has been the hallmark of her tenure: Senator Clinton has fought to solve problems, working with Democrats and Republicans, forging new state and local partnerships, proposing creative and common-sense legislative solutions, and drawing national attention to challenges and opportunities in New York State.

Senator Clinton has fought for New York when New York has needed a fighter most. These past eight years, New Yorkers have

faced challenges among the toughest in our state's history and tragedy among the most devastating in our nation's history.

From the time of her election in 2000, and following her landslide reelection in 2006, Senator Clinton continued the work she's pursued for more than 35 years in public service as an advocate for children and families, a champion for women's rights and human rights, a leader on health care, and a voice on behalf of all those who have felt invisible.

Standing up for New York after 9/11
Creating Economic Opportunity
Meeting Our Responsibility to Servicemembers and Veterans
Driving Change in Health Care
Standing Up for Women's Health
Advocating for Children and Families
Leading the Way to a New Energy Future
Addressing Infrastructure Challenges

STANDING UP FOR NEW YORK AFTER 9/11

In the aftermath of the attacks of September 11, 2001, Senator Clinton worked tirelessly on behalf of the victims and their families and New Yorkers who needed a strong voice in Washington.

Just three days after the attacks, Senator Clinton and Senator Charles Schumer went to the Oval Office and secured a commitment from President Bush for $20 billion in federal aid for New York's recovery. In the years that followed, they fought successfully to make sure that all of the funding promised to New York was delivered.

Senator Clinton's first visit to Ground Zero was on September 12, 2001, and she quickly recognized that there would be lasting health problems for first responders and others who rushed to provide assistance after the World Trade Center attacks as well as for workers, residents, students and others exposed to the toxic cloud of debris and chemicals around Ground Zero. She fought for the establishment of, and secured $335 million in funding for, programs to provide health screening, monitoring and treatment for first responders, building and construction trades workers, volunteers, residents, office workers, and students suffering health effects and stood up again and again to stop the Bush Administration's efforts to slash funding for this critical care.

The attacks of September 11 also underscored serious gaps in our homeland security, and Senator Clinton worked with the families who were tragically affected by 9/11 to demand the creation of the 9/11 Commission and then to implement its findings, including making sure our first responders have the resources and support they need to meet our crucial homeland security demands and pressing for threat-based homeland security funding.

CREATING ECONOMIC OPPORTUNITY

Senator Clinton worked across the aisle to address the economic downturn facing New York and harness the state's talent and resources. To help struggling New York workers, she successfully extended unemployment insurance. She was a driving force behind raising the minimum wage and helped secure in law the first increase in a decade.

Senator Clinton co-authored a law that expanded Renewal Zones with incentives for job creation across Upstate New York. And when efforts to push additional legislative change hit roadblocks in the Republican-controlled Congress, Senator Clinton rolled up her sleeves and developed creative strategies to stimulate economic development, expand markets for New York businesses and producers and create jobs.

In the Finger Lakes and the North Country, she partnered with eBay, local universities and local companies to organize public-private trading cooperatives which provide small businesses with technological support, microloans, and training programs to sell goods online and improve their sales.

Senator Clinton saw that New York City's restaurants were buying produce out of state at the same time that upstate farmers and producers were struggling, so she launched Farm-to-Fork, an initiative that has helped New York farmers and producers sell their products to New York's restaurants, schools, colleges and universities.

She brought Artspace to Buffalo, creating a thriving model for urban revitalization and economic development centered on cultural projects, and secured funds to renovate downtown cultural centers like Proctors Theater in Schenectady, the Stanley Theater in Utica and the Strand Theater in Plattsburgh.

She helped secure the funds needed to expand broadband access to rural and underserved areas in the North Country and championed an agenda that would create new investments in broadband infrastructure throughout the State.

Senator Clinton also saw the need to better showcase Upstate innovation to potential investors. She helped launch New Jobs for New York, a non-profit organization that brought together more than 2,600 entrepreneurs, investors and researchers across New York and shined a spotlight on over 200 companies across New York, helping them to obtain the investment capital, strategic partnerships and joint ventures they need to grow their businesses and create jobs.

She has also intervened to prevent jobs from leaving New York and was instrumental in several large employers maintaining their presence and their workforce in the state.

Senator Clinton advocated for New York businesses and research institutions, securing more than $837 million in funding for cutting edge defense projects throughout the state and millions more for alternative energy, nanotechnology and other innovation. She championed creating a business environment that encourages investments in research and development and has been instrumental in the renewal of the R&D tax credit that supports thousands of high skill jobs in New York.

MEETING OUR RESPONSIBILITY TO SERVICEMEMBERS AND VETERANS

As New York's first Senator to serve on the Senate Armed Services Committee and as the only member of the Senate to serve on the U.S. Joint Forces Command's Transformation Advisory Group, Senator Clinton served as a leading advocate for our men and women in uniform, military families, and veterans.

When the Bush Administration targeted several New York military bases for closure, Senator Clinton fought back, working with base communities to prevent all of the proposed closures. Together, they ensured that Niagara Falls Air Reserve Station, Rome Laboratories and the Defense Finance and Accounting Service (DFAS) in Rome remained open and that the C–130 mission remained at Stratton Air National Guard Base. Her efforts actually turned a potential loss of thousands of jobs into a gain of hundreds of new jobs and helped to preserve and strengthen New York's vital role in our national security.

Senator Clinton was one of the first to recognize and address troubling gaps in health care and health monitoring for our servicemembers. Continuing work she began as First Lady, she secured in law health tracking for all servicemembers after it was revealed that there was no baseline health history to evaluate them, ensuring that all active duty personnel and reservists receive regular health screenings.

Senator Clinton worked across the aisle to secure in law access to TRICARE military health care benefits for all drilling members of the guard and reserve.

Senator Clinton also secured in law the first ever expansion of the Family and Medical Leave Act to enable military family members to take up to six months of leave to care for their injured loved ones, often suffering from serious injuries affecting their bodies and minds that require care from family who work full time.

Senator Clinton fought to make sure our government lives up to its responsibility to our veterans after they leave service. She successfully changed the law to streamline the VA disability benefits claim system to cut red tape and help wounded servicemembers receive the benefits they have earned. She also secured in law assistance for family members caring for loved ones suffering from traumatic brain injury (TBI), the signature wound of the wars in Iraq and Afghanistan, and established a Department of Defense Task Force to assess the mental health challenges facing wounded warriors, including post-traumatic stress disorder (PTSD). She also fought and succeeded in stopping the VA's plan to close the Canandaigua VA hospital.

DRIVING CHANGE IN HEALTH CARE

Senator Clinton distinguished herself in the Senate as a leading advocate for fixing our broken health care system and ensuring that all Americans have access to quality, affordable health care.

She worked with members on both sides of the aisle and with health providers across New York to press for needed change to improve quality, reduce costs and expand access.

Senator Clinton saw that all too often family caregivers are the ones who struggle, largely unnoticed and unaided by our health care system, to provide care to chronically ill loved ones with Alzheimer's and other debilitating conditions. She became their champion, authoring and successfully passing a groundbreaking law to expand access to desperately needed respite care.

She pushed to bring the delivery of health care into the 21st century, pressing for Congress to enact national standards for incorporating information technology into the practice of medicine to reduce medical errors, improve quality and reduce costs.

She was a driving force in efforts to expand the Children's Health Insurance Program, an initiative she helped launch as First Lady and which has provided access to health care for thousands of children who otherwise would be uninsured, including nearly 400,000 children in New York.

She used her unique public platform to spotlight the upside down incentives in our health care system, calling for an emphasis on wellness and prevention of chronic diseases that are driving up health care costs. And she was vigilant against Bush Administration efforts to roll back health care for New York's most vulnerable, stopping a short-sighted attempt to cut community health clinics that are the primary source of health care for many low-income New Yorkers and brokering a compromise that prevented the loss of tens of millions of dollars in Ryan White CARE Act HIV/AIDS funding for New York.

STANDING UP FOR WOMEN'S HEALTH

Senator Clinton served as a steadfast defender of women's health and a leading voice against the Bush Administration's efforts to put ideology before science. She successfully pressed the Bush Administration for a decision on Plan B emergency contraception, after more than three years of delay. She spoke out against administration efforts to

restrict access to contraception and family planning and raised the alarm against the administration's last minute plan to undermine women's health by putting in place new rules to allow any employee of a health provider to refuse to participate in any way in health care they find objectionable.

ADVOCATING FOR CHILDREN & FAMILIES

Senator Clinton has also continued her life-long advocacy on behalf of children and families.

She saw significant barriers facing grandparents and other family members raising children who would otherwise end up in foster care. So she fought for and secured in law landmark legislation to keep families together and remove obstacles facing grandparents, uncles, aunts, and other family members trying to enroll children in school, sign them up for health care or access other needed services, information and referrals.

Following the tragic death of Cameron Gulbransen of Long Island, Senator Clinton joined with families and safety advocates to pass into law legislation requiring that all new vehicles produced in the United States include safety features to protect children against preventable injuries and death from non-traffic accidents in and around cars. Senator Clinton partnered with former Buffalo Bills quarterback Jim Kelley to secure in law expanded access to newborn screening and increase groundbreaking research at the National Institutes of Health.

And as chair of the Senate Superfund and Environmental Health subcommittee, Senator Clinton held hearings and fought to address environmental health hazards, like child lead poisoning and asthma, that disproportionately affect low-income and minority communities.

When the Bush Administration stopped enforcing the ''Pediatric Rule,'' a Clinton Administration regulation requiring that drugs prescribed to children be tested and labeled for safety and effectiveness specifically in children, Senator Clinton forged a bipartisan coalition to restore the rule and secure it in law. And when President Bush nominated an opponent of basic safety regulations for children's products to head the Consumer Products Safety Commission, Senator Clinton led an alliance of consumer groups and safety advocates to successfully block the nomination.

EXPANDING EDUCATIONAL OPPORTUNITY

Senator Clinton pushed successfully for more funding for Head Start programs that benefit nearly 50,000 low-income New York families and pushed for the expansion of Early Head Start, bringing national attention to the importance of a comprehensive zero to five early childhood system. She also secured in law legislation to place additional teachers and principals in the schools where they are most needed.

Senator Clinton fought for and succeeded in expanding access to affordable college loans and Pell Grants, including year-round Pell for non-traditional students, so that more students who want to attend college will have that opportunity, regardless of their background or circumstances. Senator Clinton also championed public service, securing the funding needed to maintain AmeriCorps and enable more Americans to serve our communities in exchange for assistance with college costs.

LEADING THE WAY TO A NEW ENERGY FUTURE

From her first days in office, Senator Clinton made it a priority to protect New York's natural resources and develop New York's potential as a leader in alternative energy. She secured in law environmental protection for Long Island Sound and the Great Lakes.

Senator Clinton also helped pass a new law to clean up polluted land known as brownfields, and worked to bring together developers, environmentalists, and local leaders from across New York to redevelop blighted properties.

Senator Clinton was an early advocate for harnessing alternative energy as an engine of economic growth, working with public and private partners across New York to pioneer new green strategies. She secured in law major federal funding for New York to retrofit trucks, school buses and other heavy vehicles with new clean diesel technologies developed in Corning and cleaner engines manufactured in Jamestown. In Rochester, Senator Clinton worked with local leaders to develop the first in the nation urban ''green print,'' a plan for environmentally sustainable growth and alternative energy development. She also secured passage of laws to create ''green jobs'' training programs, and to push the federal government to install green building technologies.

ADDRESSING INFRASTRUCTURE CHALLENGES

As a member of the Environment and Public Works Committee, Senator Clinton in 2005 helped craft major transportation legislation reauthorized every five years that sets the nation's investment in our highways and mass transit. In her role as a key negotiator, Senator Clinton secured over $16.5 billion in transportation funding for New York, a substantial increase of approximately $3 billion over the previous bill. She also succeeded in including in the law new pollution controls for construction equipment and creation of a commission to chart the nation's transportation future.

In the wake of the tragic Minnesota bridge collapse in 2007, which dramatically underscored the urgency of our infrastructure needs, Senator Clinton helped secure in law legislation to address the deteriorating condition of our nation's roads, bridges, drinking water systems, dams and other public works. She also successfully pressed for increased funding for Amtrak and high speed rail and to reduce flight delays and ease congestion in New York's crowded airspace.

For nearly four decades, Hillary Rodham Clinton has dedicated herself to public service, as an attorney twice voted one of the most influential in America, a First Lady of Arkansas who helped transform the state's health care and education systems, a First Lady of the United States who fought for families at home and women's rights around the world, a renowned expert and advocate for quality affordable health care for all Americans, and as a twice-elected United States Senator who was a tireless champion for the people of New York and a voice for the voiceless everywhere. This document is a snapshot of Senator Clinton's efforts and accomplishments for New York in the Senate, but she has also worked across the Empire State to help communities tackle local challenges and capitalize on their unique opportunities.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Chair for the opportunity to speak today about the wonderful record of our esteemed colleague, Senator HILLARY RODHAM CLINTON.

For 8 years, Senator CLINTON and I have served jointly as New York Senators, and I have seen, better than anyone, her unwavering commitment to her constituents and her country. Through all this time, HILLARY has demonstrated the equanimity, the prudence, and the fortitude that have made her an exceptional leader and a great public servant.

HILLARY's career has been defined by her unflagging desire to improve the lives of the least fortunate among us. Even before finishing school, she was working to protect children at the Children's Defense Fund and the Carnegie Defense Fund on Children. Turning down a promising career in Washington, HILLARY moved to Arkansas and directed the legal aid clinic at the University of Arkansas Law School.

During her tenure as First Lady, HILLARY made it her priority to fight for justice around the world, advocating for women's rights and democracy worldwide. She made huge gains in protecting women and families. She helped create the Office of Violence Against Women at the Justice Department and was instrumental in the passage of the Foster Care Independence Act and the Adoption and Safe Families Act.

After serving her country 8 years as First Lady, when most people would retire, HILLARY stepped up and has served as a vital and powerful advocate on behalf of the people of New York. Going from the White House to White Plains, HILLARY has continued to show as much acumen in her dealings with national and global leaders as she shows empathy and interest in the needs of private individuals around New York.

We are the only Federal position where two people serve the exact same job, so you get to know your colleague almost better than anyone else. I have seen firsthand HILLARY's dedication and tenacity. Let me tell you all, tell the people of New York, HILLARY looks great from far away, but the closer you get, the better she looks.

I just want to say this, HILLARY: It is a day, as you said so well, of looking back wistfully but to the future with anticipation. That is how I feel. I look back wistfully at the many experiences we shared, working together, getting to know one another, and learning to work and respect and love one another. It has been an amazing part of my experience. I am so thankful for the 8 years we worked together for the people of New York and America. I know our friendship, as we have said to one another, will continue no matter what corner of the globe you are in. And maybe I will try to get some international presence on those Sunday press conferences so you can see them over there. They are mainly aimed at local New York stuff.

Let me just say, as HILLARY said, we traveled the State together. We taught each other about agriculture and worked side by side on those horrible days after 9/11. We have worked for the benefit of aging nuclear weapons and helping the onion farmers in the Hudson Valley. What a great experience it has been.

Of course, as my colleagues know, for all the time she focused and spent on the people of New York—and it was an enormous and successful effort—she also at the same time has been one of our most active and engaged colleagues

in the Senate, working on issues of national policy and international importance, from national security to early childhood education. In all of her many roles as a public servant, HILLARY has always shown the insight to see the heart of a problem. She has had the courage to tackle it and the talent to solve it. That is the trademark of HILLARY CLINTON—insight, courage, talent, all applied for the betterment of the people of New York, the people of America, and now the people of the world. No matter how abstract the problem, no matter how esoteric the question, HILLARY has never once forgotten the people whose lives and happiness depend on her work.

So HILLARY, yes, it is a bittersweet day, but I am so joyful about the excitement—it is palpable—that you exude going on to this new challenge. I am also—and I know every one of the people of New York is as well—grateful for the wonderful job you have done serving them and us. It has been a great ride. I am so grateful, again, for the opportunity to work alongside of you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I join with the Senator from New York, Mr. SCHUMER, in giving a tribute to our dear friend, Senator HILLARY RODHAM CLINTON. How special it is today that, as she gave her farewell speech, we are literally within minutes on the brink of a vote to proceed to the Lilly Ledbetter bill. Senator CLINTON has been a champion for women, a champion for the opportunity of women, and was the lead on introducing the Lilly Ledbetter Fair Pay Act. How terrific it is that as she gives her last speech on the Senate floor, we will be voting on something for which she has been a champion.

She has been a champion for women both here and around the country, for their economic security, their health security, and also for women around the world, both in her work as First Lady and here in the Senate, whether it was to make sure to work with our current administration to have access to education for Afghan girls, but also as First Lady with the women of the world to make sure, through her project, Vital Voices, women had those voices.

She has been a champion all of her career. Whether it was at the Legal Defense Fund, as First Lady, or now as a Senator of the United States, she has always made sure she has stood up for those who had no voice, and she has used her voice to speak for them. That is what we know she will continue to do.

But I think what we also admire about Senator CLINTON is, she is not only at home with world leaders with whom she will certainly work in her new job but with community leaders as well.

She spoke eloquently about her challenge and Senator SCHUMER's challenge on that despicable and horrible day of 9/11. But I also want to talk just very quickly about September 10 because while we know Senator CLINTON is a woman of great integrity, keen intellect, and is a can-do person, many do not realize the wonderful bipartisanship in which she has tried to engage in this body. So let me tell you as one of the women of the Senate where we were on September 10.

The night before that terrible day, we were at Senator CLINTON's house, affectionately calling her HILLARY. All of the women, on a bipartisan basis, were there because, guess what we were doing, Mr. President. We were throwing Senator KAY BAILEY HUTCHISON a shower. Senator KAY BAILEY HUTCHISON had just adopted a child. We were so enthusiastic, and we, the women of the Senate, do what women do all over America, we threw Senator KAY a shower, and we gathered at HILLARY's house. We had great food, a couple of drinks that made us feel even better. We told stories. We teased KAY. I volunteered to be Aunt BARB, and she knew I had many talents, but baby-sitting would not be one. We had such a wonderful time. But that was not the only time, as she has worked with all of us. But it shows the warmth and the way she goes about that.

We will always cherish where we were that night because it was special because the next day was so stunning. I could give many examples about it, but we know she has been a tenacious advocate for the people of New York, a leader on crucial issues, a respected colleague, and a dear friend. We are going to miss her, but we know as the Secretary of State she will be a new voice of America. And America does need a new voice.

Senator CLINTON, we know you are going to get us back on track. You are going to work with President Obama to restore our national honor, to repair those friendships around the world which we desperately need. And as you have been in so many things, we know you will be unflinching on human rights and unflagging in strengthening America's alliances abroad. We will work together on those issues, and we know you will be a great Secretary of State. You have been a spectacular Senator, and it is because you are just simply a wonderful human being.

Mr. President, I yield the floor.

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

Mr. MCCONNELL. Mr. President, I say to my good friend from New York, through the Chair, I believe the new President could not have made a better selection for Secretary of State. Senator CLINTON has had a unique career in the Senate, actually having only been here 8 years, but nevertheless a candidate for President of the United States who came very close. She had fabulous public service before that as First Lady for 8 years. She has clearly made a difference throughout her life, and I expect she will do the same again.

I told her on the floor privately, I am particularly enthusiastic about her selection as Secretary of State because I think she will be the first Secretary of State in the history of the United States who has actually been to Hazard and Pikeville, KY. That should give her an extra edge in this new responsibility which she is about to assume.

I say to the Senator from New York, we will be anxious to work with her on some of the issues for which we shared a passion during her years as Secretary of State. I know she will do an outstanding job. She has been a credit to the Senate and will be one of the Nation's outstanding Secretaries of State.

Mr. BYRD. Mr. President, as I think about Senator CLINTON's leaving the Senate to become Secretary of State, I am reminded of the words of the great English bard William Shakespeare, who wrote that ''parting is such sweet sorrow.''

Senator CLINTON's departure from this chamber is a time for joy as well as sorrow. HILLARY CLINTON has been an effective, hard-working Senator.

When Senator CLINTON first came to the Senate in 2001, she asked my advice. Although Mrs. CLINTON had been an accomplished and graceful First Lady, she told me that she wanted to excel at working for the State of New York.

I advised her to be a work horse about her new role as a Senator and a work horse she has been, and the people of her State have benefitted.

Following the terrorists attacks of September 11, 2001, she and I worked with Senator SCHUMER to secure financial aid for New York City to help the city to recover from that terrible tragedy. For that, she has since referred to me as the ''third Senator from New York,'' and I am very proud of that designation.

Senator CLINTON and I have worked together on legislation for the withdrawal of American forces from Iraq, served on the Budget Committee together, and worked on several important appropriations issues.

Senator CLINTON has been an active and aggressive Senator, always mindful of the traditions of this great Chamber. She has won the respect and admiration of everyone.

In her 2008 Presidential bid, HILLARY CLINTON broke down barriers for women all across this country, and inspired many of them to pursue their own hopes and dreams of a future in politics.

I will miss Senator CLINTON. This Chamber has been graced by her eloquence, intelligence, and her natural leadership.

Mrs. Clinton's 8 years as our country's First Lady, and her 8 years in the U.S. Senate, where she served on five different Senate committees, including the Senate Armed Services Committee, certainly qualify her for the high honor of being Secretary of State. She will

shine in that office because of her sound judgement, keen intellect, sharp wit, infectious charm, and powerful commitment to making this world a better place.

I congratulate Senator CLINTON on her new position and wish her the best of luck and success. These are troubled times and she will have a most difficult job in the years ahead. Speaking at her graduation at Wellesley College, HILLARY CLINTON declared that, ''the challenge now is to practice politics as the art of making what appears to be impossible, possible.''

I say go to it Secretary of State-designate CLINTON. If anyone can make ''what appears to be impossible, possible,'' Secretary of State HILLARY RODHAM CLINTON can and will.

Mr. REID. Mr. President. I have known HILLARY CLINTON for many years, but for the past 8 years I have had the pleasure of working with her as a colleague in the U.S. Senate.

People on all points of the political spectrum agree that Senator CLINTON is one of the brightest, most highly accomplished U.S. Senators.

Born in the hometown of our President-elect—Chicago—HILLARY CLINTON graduated from Wellesley College, where she was the first student in the school's history to deliver her own commencement address—not a Governor, a U.S. Senator, dean, or the university president.

She then attended Yale Law School, where she met her future husband and our future President, Bill Clinton.

After law school, she worked for the Children's Defense Fund and served as a member of the Watergate inquiry staff in the House of Representatives.

When the Clintons moved to Arkansas, HILLARY became a successful attorney in private practice and served as the State's First Lady.

We all know that she was a remarkable First Lady, leading the way on health care reform, helping create the State Children's Health Insurance Program, as well as the Violence Against Women Act.

We also know that she was not just a leader for domestic policy, but also became an admired and effective diplomat throughout the world, especially in her call for human rights.

When Senator CLINTON came to the Senate 8 years ago, some expected her to have trouble fitting in. Those concerns quickly disappeared—she was a natural. She has proven in her time here to be exceptionally adept at the give-and-take of the legislative process.

As a result, in just 8 years, she has left an indelible mark, especially through her seats on the Health, Education, Labor and Pensions Committee, the Environment and Public Works Committee, the Special Committee on Aging and the Armed Services Committee.

As with Senator BIDEN, the departure of Senator CLINTON is bittersweet. She brought a wealth of knowledge, skill and wisdom here, and she will be sorely missed.

But after the last 8 years—with so much work ahead to repair our country's once-lofty stature in the world, I can think of no one better suited for the challenges ahead than the Senator from New York, HILLARY CLINTON, our next Secretary of State.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

LILLY LEDBETTER ACT

Mr. CORNYN. Mr. President, I, too, would like to congratulate Senator CLINTON on her nomination to be Secretary of State; and, alas, there is other work left to do in the Senate, as the Senator from Maryland alluded to, the Lilly Ledbetter Act, for which we will be voting on cloture in a minute. So I have a few words I would like to add specifically on that topic.

We will be voting for the so-called Lilly Ledbetter Act, and I think it is important to reflect a little bit on what that bill would actually do because, honestly, I think it has been characterized as a bill that will protect women's rights, which as a father of two daughters I am all in favor of not just cracking the glass ceiling but breaking it altogether.

But, actually, this bill, has a much broader impact and perhaps unintended by those who believe it is only about protecting women's rights. Indeed, what the Lilly Ledbetter Act would do is eliminate the statute of limitations. That sounds like an arcane topic for lawyers that only lawyers could love, but basically what it would do in the case of Ms. Ledbetter—who had waited almost two decades before she raised her discrimination claim, long after the principal witness who could have testified in opposition to that claim had died—indeed, the purpose of the statute of limitations, as the lawyers in this body well know, is to be fair both to the plaintiff who brings the claim and to the defendant who has to defend against that claim, to make sure the documents and the memories and, indeed, the very existence of those who might be able to give testimony can be preserved so the jury can make a good decision. But, indeed, if you wait 20 years before you assert your rights, and after the principal witness who could testify in opposition to your claim has died, that is not exactly fair either.

So, Senator HUTCHISON, my distinguished senior Senator from Texas, will have an alternative which I hope will be offered. I expect it will be offered as an alternative and substitute, which I believe is fair to both those who bring a claim of discrimination and those who have to defend against it.

Indeed, I mentioned a moment ago I am the father of two daughters, now 27 and 26. Many small businesses that are created in America today are headed up by women. Indeed, we need to make sure those small businesses have some certainty, have some rules they can rely on in terms of knowing when they are likely going to be sued.

I think the Ledbetter Act could more appropriately be called a trial lawyer bailout because, of course, it is premised on the idea that one can slumber on their rights and never have to assert them and, indeed, fight an uneven fight because those who have to defend against them can no longer defend against them because the witnesses are no longer available.

Indeed, at a time when this country is in a recession, I think it is appropriate to point out that no country has ever sued its way out of a recession. Yet the bill that comes to the floor on which we are called upon to vote—the very second bill that is presented to this Senate in the midst of this economic crisis—is one that would effectively, as I said, eliminate the statute of limitations in employment litigation so trial lawyers can bring multimillion-dollar lawsuits over decades-old workplace disputes.

There are many good policy reasons, as I mentioned, why it is important to have those statutes of limitations, but it is particularly true in employment cases where a person's subjective intent can be the decisive issue that the factfinder has to decide, where memories of the past can be colored by decades of subsequent workplace experience.

Another important policy behind the statute of limitations is called repose. That is a fancy word that represents the idea that people should be allowed to move on with their lives without the constant fear of being sued for something that happened 20 years previously.

Again, during times of economic uncertainty, the Ledbetter bill would create not more certainty but more uncertainty. As I suggested earlier, small businesses would suddenly be exposed to new liability for acts that may have occurred years or decades ago, even if those acts occurred under a previous ownership before the current management was even in place.

There will be no way for small businesses and large businesses alike to quantify this risk because there is no way to know which of the employees may have had a secret grievance they have been harboring for many years just waiting for the opportunity to present the claim at a time when it cannot be adequately defended.

Worst yet, this bill would actually encourage plaintiffs and their lawyers to strategically lie in wait, delaying their employment lawsuits for years while damages accumulate.

Now, this does not help anybody except for perhaps the lawyers and the clients who can take advantage of this one-sided equation. Why sue promptly and limit your damages to a few months of back wages when you can wait 5 years and sue for 5 years of back wages? This can be especially rewarding to a plaintiff who strategically sues

when you consider that during that 5 years, the plaintiff can diligently be preparing a lawsuit while the defendant is ignorant about the very grievance itself, perhaps, and memories and records fade.

So I think it is important, as we go into this bill, that it be characterized as the Trojan horse that it is. This is just the beginning. If you eliminate the statute of limitations in employment discrimination claims, why not eliminate the statute of limitations in other claims: medical malpractice, any other business disputes, and the like? It is just not fair, and it is not right. We should not allow this bill to be represented as a blow for women's equality and women's rights because it simply is much broader and has much more of a broader implication than that.

I am convinced this bill is actually a solution in search of a problem because it is worth noting that in fiscal year 2007, a total of 82,000-plus people timely filed complaints of employment discrimination with the EEOC. It is important to ask what prevented Ms. Ledbetter from doing exactly the same thing, from filing her complaint at the time she knew that perhaps she had a grievance that could be presented to the employer.

So I thank you, Mr. President, for the opportunity to speak briefly on the bill. Assuming cloture is adopted, I hope we will be taking up Senator HUTCHISON's alternative, which I think strikes the fair balance for which I would hope we would all strive, protecting the rights of both those who are victims of discrimination and the companies that have to defend against those claims.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of S. 22, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order—the majority leader is recognized.

Mr. REID. 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. REID. 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.

Under the previous order, there shall be 10 minutes of debate equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and the Senator from Oklahoma, Mr. COBURN, or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, we now have 10 minutes equally divided to complete debate on S. 22, and then there will be a vote on passage. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BINGAMAN. Mr. President, in just a few minutes, the Senate will vote on S. 22, the Omnibus Public Land Management Act. The vote will culminate years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's natural, cultural, and historic resources. Taken collectively, I believe the package represents the most significant conservation legislation passed by the Senate in many years.

In addition, it will finally resolve three very important, very complex water rights settlements in three different States ending, literally, decades of litigation and controversy.

AMENDMENTS NOS. 23 AND 24, EN BLOC

Before concluding, I wish to take care of a few administrative matters. The unanimous consent agreement for the bill today allows for the adoption of managers' amendments if they have been cleared by the managers and leaders on both sides. We have two such amendments which are at the desk. I understand they have been cleared by all my colleagues. These amendments make a number of technical, clerical, and clarifying corrections.

At this time I ask unanimous consent to call up those two amendments and have them considered and adopted en bloc, as provided for in the unanimous consent agreement.

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

Under the previous order, the pending amendments are withdrawn.

The clerk will report the managers' amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Ms. MURKOWSKI, proposes amendments en bloc numbered 23 and 24.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 23

On page 976, strike lines 8 through 25.

On page 977, line 1, strike ''(6)'' and insert ''(5)''.

On page 977, line 3, insert ''and'' after ''interactions;''.

On page 977, line 4, strike ''(7)'' and insert ''(6)''.

On page 977, line 5, strike ''(6)'' and insert ''(5)''.

On page 977, line 8, strike ''scales;'' and insert ''scales.''.

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

AMENDMENT NO. 24

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike ''2'' and insert ''5''.

On page 526, line 7, strike ''5'' and insert ''2''.

On page 974, line 19, insert ''the Secretary of the Army, acting through'' before ''the Chief''.

On page 1188, line 19, strike ''or'' and insert ''of''.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 23 and 24) were agreed to.

COLORADO RIVER BASIN

Mr. BINGAMAN. Madam President, the Senate is now considering the Omnibus Public Land Management Act of 2009, S. 22, a bill that contains a number of important water resource initiatives. Given the ongoing need to work closely with the states on water resource issues, I believe it important as chairman of the Energy and Natural Resources Committee for myself, and the new ranking member of the Committee, to acknowledge the hard work of representatives from the Colorado River Basin States of New Mexico, Colorado, Utah, Wyoming, Arizona, Nevada, and California, in reaching agreement regarding certain provisions in title X, subtitle B of S. 22, which contains the Northwestern New Mexico Rural Water Projects Act, hereafter referred to as the ''Act''.

On August 27, 2008, the Governors' representatives on Colorado River Operations sent a letter to me and Senator DOMENICI, then the ranking member of the committee, requesting certain modifications to the Northwestern New Mexico Rural Water Projects Act. These modifications, which were subsequently incorporated, reflect the joint

consideration, input, and understandings of the Governors' representatives from the Basin States concerning the act and how it relates to the interstate compacts for the Colorado River system. I want to congratulate the representatives on reaching agreement regarding what I recognize are complicated legal and operational issues associated with the Colorado River.

Ms. MURKOWSKI. I join with the chairman of the Energy and Natural Resources Committee in congratulating the representatives of the seven Colorado River Basin States on reaching agreement regarding certain provisions in the Northwestern New Mexico Rural Water Projects Act, and concur in the request for unanimous consent that the August 27, 2008, letter be made a part of the RECORD relating to the consideration of S. 22.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the August 27, 2008, letter be printed in the RECORD.

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

AUGUST 27, 2008.

Hon. JEFF BINGAMAN,
U.S. Senator, Committee Chairman, Energy and Natural Resources Committee, Hart Senate Office Building, Washington, DC.

Hon. PETE DOMENICI,
U.S. Senator, Ranking Member, Energy and Natural Resources Committee, Hart Office Building, Washington, DC.

DEAR SENATOR BINGAMAN AND SENATOR DOMENICI: In recent years, the seven Colorado River Basin States, (''Basin States''), have, through extensive interstate consultation, taken steps and forged agreements designed to ensure that use and management of the Colorado River System continues to meet existing and future demands in a manner that respects and protects the interests, rights, claims and privileges of each of the seven states. Along those lines, enclosed are the Basin States' recommended modifications to S. 1171, the Northwestern New Mexico Rural Water Project Act, as reported by the Senate Energy and Natural Resources Committee on June 25, 2008, and consolidated into S. 3213, the Omnibus Public Land Management Act as Title X, Subtitle B. The undersigned Governors' Representatives on Colorado River Operations request that Congress adopt proposed modifications to S. 1171/ S. 3213 in a form substantially consistent with the attached language, and that the Congressional legislative history of S. 1171/S. 3213 specifically reflect and reference the joint consideration, input and consensus from the Basin States as provided herein.

S. 1171/S. 3213 provides Congressional approval of a settlement of the Navajo Nation's claims to water rights in the San Juan River Basin in New Mexico that will authorize diversion and distribution of San Juan River water through the Navajo-Gallup Water Supply Project to Navajo and non-Navajo communities in the Upper Colorado River Basin, the Lower Colorado River Basin and the Rio Grande Basin within New Mexico. Contingent upon enactment of federal legislation approving a water rights settlement between the State of Arizona and the Navajo Nation, S. 1171/S. 3213 also authorizes the diversion of up to 6,411 acre-feet of water by the Project from the San Juan River in New Mexico in the Upper Colorado River Basin for delivery to the Navajo reservation in Arizona in the Lower Colorado River Basin. S. 1171/S. 3213 directs that Project diversions for use within New Mexico will be accounted as part of the State of New Mexico's Upper Basin allocation of Colorado River water. Pursuant to the attached, recommended modifications, S. 1171/S. 3213 would also direct that Project diversions for use in Arizona be accounted as either part of the State of Arizona's Upper Basin or Lower Basin allocation of Colorado River water, provided that any Lower Basin accounting of such water would occur only under specific conditions as set forth in the recommended modifications.

The undersigned Governors' Representatives consider S. 1171/ S. 3213, as modified by the attached, recommended modifications, which are non-precedential in nature, to address unique, critical water supply needs in the context of Indian water rights settlements that involve the diversion of water from the Upper Colorado River Basin for use in the Lower Colorado River Basin, and support such diversions as reflected in our recommended modifications to the legislation.

Herbert R. Guenther, Director, Arizona Department of Water Resources; Patricia Mulroy, General Manager, Southern Nevada Water Authority; Dana B. Fisher, Jr., Chairman, Colorado River Board of California; George Caan, P.E., Executive Director, Colorado River Commission of Nevada; Gerald R. Zimmerman, Executive Director, Colorado River Board of California; Jennifer Gimbel, Director, Colorado Water Conservation Board; John R. D'Antonio, Jr., New Mexico State Engineer, Governor's Representative; Dennis J. Strong, Director, Utah Division of Water Resources, Utah Interstate Stream Commissioner; Patrick T. Tyrrell, Wyoming State Engineer, Governor's Representative.

THE COLORADO RIVER BASIN STATES' PROPOSED MODIFICATIONS TO S. 1171, THE NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT

1. Proposed new definition of Colorado River Compact in Section 2—*( )COLORADO RIVER COMPACT.—The term ''Colorado River Compact'' means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).*

2. Proposed new definition of Colorado River System in Section 2—*( )COLORADO RIVER SYSTEM—The term ''Colorado River System'' has the same meaning given the term in Article II(a) of the Colorado River Compact.*

3. Proposed new definition of Lower Basin in Section 2—*( ) THE LOWER BASIN—The term ''Lower Basin'' has the same meaning given the term in Article II(g) of the Colorado River Compact.*

4. Proposed new definition of Upper Basin in Section 2—*( ) THE UPPER BASIN—The term ''Upper Basin'' has the same meaning given the term in Article 11(f) of the Colorado River Compact.*

5. See below for proposed modifications to Section 303. * * *

303(c) Conditions for Use in Arizona.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on its behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—Pursuant to paragraph (1) and *notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—*

(A) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article 111(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact;

or

(B) a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(i) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented);

(ii) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(iii) be accounted as the water identified in Section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478);

(C) However, no water diverted by the Project shall be accounted for pursuant to subparagraph (B) until such time that:

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to Section 303(c)(2)(B); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to Section 303(c)(2)(B) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.).

(3) UPPER BASIN PROTECTIONS.

(A)—Consultations.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan

River Basin, the Secretary shall, consistent with the provisions of Section 5 of the ''Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin'' as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified, confer with the States of Colorado and New Mexico.

(B)—Preservation of Existing Rights.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to Subsection 303(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

303(h) NO PRECEDENT.—*Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.*

303(i) UNIQUE SITUATION.—*Diversions by the Project consistent with this Section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things:*

(A) the intent to benefit an American Indian tribe;

(B) the Navajo Nation's location in both the Upper and Lower Basin;

(C) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(D) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of he State of New Mexico and the pipeline route for the Project;

(E) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(F) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

303(j) CONSENSUS.—*Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this Section.*

303(k) EFFICIENT USE.—*The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.*

ALVA B. ADAMS TUNNEL AND GRAND RIVER DITCH

Mr. SALAZAR. Madam President, I commend the chairman and ranking member of the Energy and Natural Resources Committee for their diligent work on this package, which contains several bills that I have championed for Colorado. I particularly wish to thank my colleague and friend, Chairman BINGAMAN, and his staff, for his work and cooperation on the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, which is included in subtitle N of title I of S. 22, and which is critical to preserving some of the Nation's most beautiful and critical wilderness lands. This has been a long road to reach agreement with all constituencies involved and we have faced some unique challenges. But ultimately, and with the chairman's assistance, we have worked through a number of issues to our mutual satisfaction in order to pass a bill that is good for all Coloradans.

One of those challenges has been our effort to protect the operation and maintenance of the Alva B. Adams Tunnel which is the critical component of the Colorado-Big Thompson Reclamation Project. The Adams tunnel was authorized in 1915 by Congress and later constructed within the park and has delivered water from the Colorado River drainage to Colorado's north eastern communities for decades.

I appreciate the Chairman working with us on protecting this facility that provides water to hundreds of thousands of people in Colorado. With his help, we included within section 1953(d) a provision that ensures that nothing in the subtitle, including the designation of wilderness, ''prohibits or affects current and future operation and maintenance activities . . . that were allowed as of the date of enactment . . . under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.''

The bill also includes in section 1953(g) an additional savings clause, which ensures that the Secretary of the Interior's authority to manage lands and resources within the park is not diminished. It is my understanding that this type of general savings clause does not undermine or contradict the more specific provisions included in section 1953(d) of the subtitle. That is, the savings clause included as section 1953(g) does not alter or affect the provisions in section 1953(d), which make clear that the designation of the park as wilderness is not meant to affect the current and future operation and maintenance activities for the tunnel nor to prohibit or restrict the conveyance of water through the Alva B. Adams Tunnel for any purpose.

Am I correct in my understanding of section 1953(g)?

Mr. BINGAMAN. The Senator from Colorado is correct.

Mr. SALAZAR. I thank the Chairman.

As with any wilderness legislation in a headwaters State, the water rights language in the Rocky Mountain National Park wilderness bill proved to be the most challenging. This legislation strikes a good balance between protection of park wilderness resources and protection of existing water rights, ditch rights-of-way, and water infrastructure, some of which predate the existence of the park.

The Water Supply and Storage Company—WSSC—owns and operates the Grand River Ditch, which is a water supply ditch located in the Never Summer Range in RMNP. The Grand River Ditch provides irrigation water to approximately 40,000 acres of land located in Larimer and Weld Counties in northern Colorado. WSSC owns, operates and maintains 11 reservoirs and 7 ditch systems, including the Grand River Ditch. WSSC's system of ditches, canals and laterals is more than 100 miles in total length and provides approximately 60,000 acre-feet of water annually to 173 shareholders. The Grand River Ditch is an integral component of WSSC's system. WSSC holds a right-of-way for the Grand River Ditch under the Irrigation or General Right of Way Act of March 3, 1891—1891 Act—codified at 43 U.S.C §§ 946–49.

The Rocky Mountain National Park Wilderness Act itself should not cause any change in land use, land management, or water rights within Rocky Mountain National Park. Towards this end, section 1953(e) is intended to clarify that neither the Grand River Ditch nor its right-of-way will be adversely affected if the end use of water diverted by the Grand River Ditch is for municipal purposes as opposed to irrigated agriculture. The Grand River Ditch diverts water high in the Colorado mountains and transports it some 50 miles downstream to its location of use. At present, all of the water is used for agricultural irrigation; however, a portion of WSSC's stock is owned by Colorado municipalities and Grand River Ditch water will be used for this purpose in the future. No matter what the end use is, the existence of the Grand River Ditch in RMNP imposes the same burden on the park. In other words, there is no difference in land use, land management or water rights in the park, whether the end use of water is agricultural irrigation or municipal use.

In 1921, the Supreme Court approved forfeiture of a right-of-way that had never been used for its authorized purpose of irrigation, but instead was used for developing electric power. See *Kern River Co.* v. *United States*, 257 U.S. 147, 1921. The case is distinguishable on several grounds from the Grand River Ditch, but the purpose of Section 1953 (e) is to avoid any attempt to apply a Kern River-type theory to the Grand River Ditch. Over 20 years ago the U.S. Department of Agriculture recognized this point when it said: ''The end use of water off the Federal lands, as it may change over time, casts no greater burden on the Federal property to carry the water to its place of use.'' See letter dated October 1, 1986, from Douglas W. MacCleery, Deputy Assistant Secretary for Natural Resources and Environment, Department of Agriculture, to Malcomb Wallop of the United States Senate, included in the legislative history of Public Law 99–545.

Conversion of agricultural water to municipal purposes is commonplace in Colorado, and the Grand River Ditch is no exception. In a mutual ditch company such as WSSC, ownership of stock represents a pro rata share of ownership in the water rights of the company. The language of section 1953(e)

ensures that WSSC and the right-of-way of the Grand River Ditch will not be adversely affected by the change in end use of GRD water.

The language of section 1953(e), ''primarily for domestic purposes or any purpose of a public nature,'' was not lightly chosen. It was taken directly from the act of May 11, 1898, which—in the words of the great Justice Van Devanter, who is considered the most knowledgeable authority on public land law to ever sit on the Supreme Court—''permit[ted] rights of way obtained under the Act of 1891 [like the Grand River Ditch], the use of which was restricted to irrigation, to be also used for the other purposes named in the section,'' namely ''purposes of a public nature'' and ''domestic purposes.'' See *Kern River Co*. v. *U.S*., 257 U.S. 147, 152–153, 1921. After more than a century, the terms ''purposes of a public nature'' and ''domestic purposes'' seem to be fairly well understood. The phrases ''purposes of a public nature'' and ''domestic purposes'' are especially broad, and include municipal uses following delivery, by a potable water provider, through the Grand River Ditch or by means of another conveyance structure. We have agreed to exempt the Grand River Ditch from any restriction that conditions the existence of the right-of-way on agricultural uses and instead to allow them to make ''purposes of a public nature'' or ''domestic purposes'' the sole or predominate purpose.

The Grand River Ditch ''right of way . . . was granted on an implied condition that it should revert to the United States in the event the grantee ceased to use or retain it for the purpose indicated in the [1891 and 1898] statutes. That purpose—the main and controlling one—was irrigation.'' See *Kern River Co*. v. *U.S*., 257 U.S. 147, 154 (1921). In the future, the water transported in the ditch will be increasingly used for water supply and municipal purposes, not irrigation. This transition may eventually ''entitle[] the United States to assert and enforce a forfeiture of the grant. . . .'' 257 U.S. at 154. To address this concern, we have agreed to state in the bill that ''the right of way . . . shall not be terminated, forfeited, or otherwise affected as a result'' of the change in purpose, ''unless the Secretary determines that the change in main purpose or use adversely affects the park.'' If the Secretary, in his discretion, makes that determination, he would then have to assert and enforce a forfeiture of the grant in court.

Mr. BINGAMAN. Madam President, I concur in the statements made by the Senator from Colorado and thank him for working carefully with me and my staff to resolve these issues in a way that will ensure protection of park resources and provide for the continued operation of the Grand River Ditch and the Colorado-Big Thompson Projects.

Mr. FEINGOLD. Madam President, today I will vote to support final passage of the Omnibus Public Land Management Act of 2009, S. 22. While I oppose two provisions in the bill, there are many other provisions that I support.

Yesterday I voted to oppose bringing an end to debate on the bill since the majority leader used a procedural tactic to prevent Senators from offering amendments. I had hoped that cloture would be defeated so that we could reach agreement to allow a few amendments.

One such amendment was one I cosponsored to strike a troublesome provision that would authorize the transfer of Federal land in Alaska's Izembek National Wildlife Refuge—a designated wilderness area and internationally recognized Ramsar site—so that a road could be built. The road is purportedly to allow travel between two Alaskan communities in cases of medical emergencies. However, Congress has already appropriated more than $36 million to provide a hovercraft, which I am told crosses Cold Bay in about 20 minutes and to date has met every medical evacuation need in all weather conditions, over 30. The road, on the other hand, would need to avoid the numerous ponds and priority wetland areas—taking 1 to 2 hours to drive—and would not provide safer, faster, or more cost-effective transportation than the hovercraft.

Another provision that troubles me was considered by neither the House nor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County, UT, provision was air-dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, which I have been pleased to join Senator DURBIN in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

There are two provisions in the public lands bill that will impact Wisconsin. The first is Section 5301, the ''National Trails System Willing Seller Authority.'' This section is based on a bill I cosponsored in the 110th Congress, S. 169, and will allow the Federal Government to purchase lands from willing sellers for two important trails in Wisconsin: the North Country National Scenic Trail and the Ice Age National Scenic Trail. I would like to acknowledge the efforts by the Ice Age Park and Trail Foundation, North Country Trail Association, Partnership for the National Trail System, and the Conservation Fund to help the National Park Service complete these trails. This provision will establish willing seller authority as a uniform policy for the entire National Trail System, allowing these two trails and seven others to benefit from this commonsense policy.

Section 7116 of the bill also makes a technical correction to the name of the wilderness area in the Apostle Islands, now to be called the Gaylord Nelson Wilderness. Removing the ''A'' from the former name—Gaylord A. Nelson Wilderness—is supported by the National Park Service and Nelson's family. Though this ia a small change, I do want to take the opportunity to again express my deep respect for the former U.S. Senator and Wisconsin Governor and my support for the Apostle Islands National Lakeshore and the Gaylord Nelson Wilderness. In August 2005, I was deeply honored to participate in a ceremony marking the creation of the Gaylord Nelson Wilderness and honoring the remarkable life of Gaylord Nelson, father of Earth Day. I worked with Representative OBEY to obtain the wilderness designation for 80 percent of the Apostle Islands, but it was Gaylord who was so essential in the effort to recognize the Apostle Islands as a national treasure and establish the national lakeshore.

Mr. LEVIN. Madam President, passage of the Omnibus Public Land Management Act of 2009 would wrap up one of the major pieces of unfinished business from last year. The majority leader promised he would take up this legislation early in 2009, and indeed he has. The omnibus public land bill includes four provisions that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

The lands bill includes legislation I authored that would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail. The North Country Trail will be the Nation's longest hiking trail, traversing seven States including Michigan, which has the longest trail segment of 1,150 miles. The Federal Government has land acquisition authority for the majority of its national scenic and historic trails, but for no good reason this authority has not been available for the North Country Trail. Willing sellers should have the right to sell portions of their land, or grant easements for trail users across their land, should they choose to do so, and if it is in the public interest. This provision will allow for the eventual completion of the North Country Trail, giving more users the opportunity to enjoy scenic hiking in Michigan as well as the six other States along the planned route. For nearly 10 years, I have been working on this willing seller authority, and I am delighted that Congress has finally approved this important legislation.

The omnibus lands bill also includes legislation I sponsored last Congress to improve the Keweenaw National Historical Park, located in Michigan's Upper Peninsula. By removing overly restrictive property acquisition requirements, changing unfair matching

requirements for Federal funds, and increasing the authorized level of funds to be appropriated for the park, we can improve the visitors' experience. Established in 1992, this unique park is a partnership with nearly 20 independently operated heritage sites, and preserves and interprets the incredible story of the copper rush in Michigan's Keweenaw Peninsula during the Industrial Revolution. I am pleased that this legislation is finally being acted upon so the park can more fully carry out its statutory mission to preserve and bring to life the vibrant history of Michigan's ''copper country''—an essential part of the Nation's history of industrial and technological development, immigration, labor relations, and natural resources, and a key component to the economic revitalization of this area.

The omnibus lands bill also provides important protections for 12,000 acres within the Pictured Rocks National Lakeshore, located in Michigan's Upper Peninsula along the south shore of majestic Lake Superior. I introduced this wilderness bill during the last Congress, and I am pleased that one of the first actions the Senate has taken this year is to pass this bill, which would protect the Beaver Basin for future generations, while ensuring continued public enjoyment of the land. The Beaver Basin wilderness comprises about 12,000 acres, or 16 percent, of Pictured Rocks National Lakeshore, and was proposed after 5 years of careful planning and extensive public consultation. The wilderness designation is responsive to many of the concerns expressed by citizens and ensures its continued recreational use. The access road to the lakes and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, all motor boats would still be able to access the miles of the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. The Beaver Basin area has been managed as a backcountry and wilderness area since 1981, and this wilderness designation will ensure that the valuable habitat and pristine natural features of the region remain the treasure they are today.

Finally, the omnibus lands bill includes legislation that I sponsored in the Senate last year as a companion bill to Representative DINGELL's legislation in the House of Representatives, which would designate land in Monroe and Wayne County, MI, related to the battles of the River Raisin fought during the War of 1812 as a unit of the National Park System. While there are currently eight War of 1812 battlefield sites that are in the National Park System, none of these sites are located in areas that were once considered the ''Northwest,'' a key strategic front in the War of 1812. The River Raisin battlefield sites were the place of horrific events; yet these events became a turning point that spurred our troops to future victories, protected our lands, and culminated in a celebration of America's ''Second War of Independence.'' With the approaching 200th anniversary of the War of 1812, I am pleased that the Senate has this legislation before it, and I look forward to the bill becoming law in time for this national celebration.

Mr. INOUYE. Madam President, S. 22, the Omnibus Public Land Management Act, includes five bills vital for increasing our Nation's understanding of our oceans, Great Lakes, and coastal areas. The ocean bills included in this package are all strong bipartisan pieces of legislation that were favorably reported by the Senate Commerce Committee in the 110th Congress and passed the House of Representatives.

The oceans cover two-thirds of our planet, yet we know little about what lies beneath them or how the changing climate is affecting marine resources. Millions of Americans depend directly and indirectly on healthy and bountiful oceans. In 2007, our Nation's coastal economies contributed nearly 50 percent, or $6.7 trillion, to the national gross domestic product.

While our Nation relies on our ocean, Great Lakes, and coastal resources, tremendous gaps exist in our knowledge of these ecosystems. The Senate Commerce Committee provisions included in S. 22 will strengthen and improve our marine, coastal, and scientific programs, and will help us make the best possible decisions about how to manage, conserve, and protect these valuable resources.

The Ocean Exploration and National Oceanic and Atmospheric Administration, NOAA, Undersea Research Program Act, included in this package, will give us a better understanding of our marine ecosystems and resources. This legislation reflects a long history of bipartisan collaboration in the Senate. It passed the Senate by unanimous consent in the both the 108th and 109th Congresses and was reported favorably in the 110th Congress by the Commerce Committee. The provision establishes an interdisciplinary ocean exploration program to gather observations and data from areas in the ocean we have previously been unable to explore. In addition, this legislation would help strengthen and coordinate NOAA's National Undersea Research Program. The National Undersea Research Program seeks to increase scientific knowledge for the management, use, and preservation of ocean, Great Lakes, and coastal resources through undersea research, exploration, education, and technology development. These essential activities are imperative given that approximately 95 percent of the ocean floor remains unexplored. Ocean exploration and undersea research provides unprecedented opportunities to discover items of natural, cultural, and economic value including new sources of minerals, drugs, habitats, species, artifacts, and shipwrecks.

The Ocean and Coastal Mapping Integration Act included in S. 22 would integrate Federal and coastal mapping activities throughout the U.S. Exclusive Economic Zone. Approximately 90 percent of our Nation's maritime territory remains unmapped by modern technology. Improved mapping of our Nation's coastal and ocean waters will increase our understanding of the marine environment, thereby increasing the safety of navigation in our maritime domain, supporting national security missions of the U.S. Navy and Coast Guard, and allowing for better management of marine ecosystems and resources. This bill also has a longstanding history of broad bipartisan support in both the Senate and House.

The Integrated Coastal and Ocean Observation System Act would build on current regional systems to establish a national integrated ocean, Great Lakes, and coastal observing system to collect, compile, and make available data to support marine commerce; weather, climate, and marine forecasting; energy siting and production; navigation; ecosystem-based resource management; and public safety. The legislation passed the Senate by unanimous consent in both the 108th and 109th Congresses. During the 110th Congress, the legislation passed the House and was reported favorably by the Senate Commerce Committee.

The Federal Ocean Acidification Research and Monitoring Act in S. 22 mandates that steps be taken to understand and address climate change and its impacts on our oceans, a much needed and important action. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth's climate. The oceans mitigate the effects of global warming by absorbing approximately half of all this atmospheric carbon dioxide. However, as the oceans absorb more carbon dioxide, their chemistry is changing and the oceans are becoming more acidic. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee to develop a strategic research plan on ocean acidification and establish an ocean acidification program within NOAA to conduct research and long-term monitoring on our acidifying oceans and to develop adaptation strategies and techniques for conserving marine ecosystems. This legislation represents a bipartisan effort to promote climate change research and adaptation activities. The bill was reported favorably by the Senate Commerce Committee and passed the House in the 110th Congress.

The final oceans bill included in S. 22 is the Coastal and Estuarine Land Conservation Program Act. As the U.S. population grows and more people move to the coasts, our coastal lands and ecosystems are threatened by

unsustainable development. This legislation authorizes NOAA to award competitive grants to coastal States, including the Great Lakes, to protect coastal and estuarine areas which have significant conservation, recreation, ecological, historic, or watershed protection value and are threatened by conversion to other uses.

As chairman of the Commerce Committee during the 110th Congress, I was pleased to favorably report these important ocean policy bills. Unfortunately, we were unable to pass these bills last Congress. I am glad that the Senate is considering their passage as one of the first major pieces of legislation in the 111th Congress. Our oceans, Great Lakes, and coasts provide many environmental and economic benefits to our Nation, and their conservation must be one of our highest national priorities.

Mr. ROCKEFELLER. Madam President, today the Senate will pass a comprehensive public lands bill that will protect our Nation's public lands and conserve our planet's oceans. I thank the majority leader and Senator BINGAMAN for including important bills from the Committee on Commerce, Science, and Transportation in this package. I commend Senators INOUYE, STEVENS, CANTWELL, SNOWE, LAUTENBERG, and GREGG for their leadership in drafting these bills. Senator INOUYE, in particular, has aggressively advocated for improved stewardship of our oceans and this package reflects his careful work as chairman of the Commerce Committee which has jurisdiction over our Nation's oceans. As the incoming chair of the Commerce Committee, I will continue to work closely with my dear friend and mentor Senator INOUYE on these issues. And I look forward to collaborating closely with him on oceans policy and other areas in the committee's jurisdiction that are particularly critical to the Hawaiian Islands. Our colleagues should know that the ocean and coastal bills included in the Consolidated Natural Resources Act enjoy broad bipartisan and national support because they are sorely needed and important to our Nation's environmental and economic future.

The Federal Government owns nearly 653 million acres of land in the United States. As the owner of these lands, the Federal Government has a responsibility to protect this land for current and future generations. Likewise, and as importantly, the Federal Government has an equal responsibility to protect and manage our Nation's marine and coastal resources. The oceans cover over two-thirds of our planet, yet we know little about what lies beneath or how the changing climate is affecting marine resources. The United States' Exclusive Economic Zone, covers 3.4 million square miles of the Earth's surface, an area greater than the whole United States. Unfortunately, our efforts to sustainably manage and conserve these submerged lands and living resources are hampered by our limited scientific research and understanding of our Exclusive Economic Zone. That is irresponsible and must change. The five ocean bills included in this legislation will authorize programs necessary to increase our Nation's understanding about ocean and coastal areas, which in turn will enable us to make the best possible decisions about how to manage, preserve, and protect our oceans and their living marine resources for current and future generations

The Ocean and Coastal Exploration and National Oceanic and Atmospheric Administration Act is critical to our ability to gather observations and data from areas in the ocean that have never been explored. The legislation would establish a national ocean exploration program within the National Oceanic and Atmospheric Administration, which would conduct interdisciplinary ocean exploration voyages to explore and survey little known areas of the marine environment and inventory, observe, and assess living and nonliving marine resources. In addition, this legislation would establish a coordinated national undersea research program, which would increase scientific knowledge for the management, use, and preservation of oceanic, coastal, and Great Lakes resources through undersea research, exploration, education, and technology development.

These activities are vital given that approximately 95 percent of the ocean floor remains unexplored. Increasing our knowledge of our oceans through exploration and undersea research provides unprecedented opportunities to discover new sources of minerals, drugs, habitats, species, artifacts, and shipwrecks. Expeditions could provide images of ancient human artifacts, rare or previously undiscovered species, and exciting new ecosystems.

The Ocean and Coastal Mapping Act would direct the Federal Government to integrate Federal and coastal mapping activities throughout the U.S. Exclusive Economic Zone. Approximately 90 percent of our Nation's maritime territory remains unmapped by modern technology. Improving our mapping activities, the promotion of the development and dissemination of new technologies, and the coordination of efforts across the 10 federal agencies currently involved in marine mapping are essential. Better mapping of these waters will help to minimize maritime accidents, support the national security missions of the U.S. Navy and U.S. Coast Guard, and improve our knowledge of ocean and coastal ecosystems.

The Integrated Coastal and Ocean Observation System Act would establish a national integrated ocean, coastal, and Great Lakes observing system that would collect, compile, and make available data to support marine commerce; navigation safety; weather, climate and marine forecasting; energy siting and production; ecosystem-based resource management; and public safety. This legislation represents an acknowledgement of our need as a country to improve our ability to measure, track, explain, and predict events related to weather and climate change. It represents a consensus that our understanding of natural climate variability and interactions between ocean and atmospheric environments needs strengthening and improvement. Information generated by the Integrated Coastal and Ocean Observation System would assist in providing advanced warning of hazardous coastal and ocean conditions to State managers and potentially affected communities and could help coastal communities prepare for and minimize losses for a range of potentially harmful ocean conditions. Additionally, this Integrated Coastal and Ocean Observation System has the potential to provide economic and ecological benefits for other coastal and ocean activities. For example, fisheries scientists and managers could use the data to predict biological productivity which would facilitate ecosystem-based management. Fishermen and mariners could better predict sea conditions for safe navigation and transport. Ocean scientists and regulators could better understand, predict, and rapidly respond to the distribution and impacts of marine pollution, harmful algal blooms, or other hazardous conditions. Educators and students could learn more about basic functions and processes of the marine environment.

Increasing carbon dioxide absorption in our oceans is acidifying waters and could be threatening the foundation of the ocean's food web. The Federal Ocean Acidification Research and Monitoring Act highlights the need for action to be taken to understand and confront climate change and its impacts on our oceans by authorizing a coordinated Federal research program on ocean acidification. Over the past 200 years, human activities have resulted in dramatic increases in greenhouse gases that are altering the Earth's climate. The oceans mitigate the effects of global warming by absorbing atmospheric carbon dioxide, which is changing ocean carbon chemistry and causing the oceans to become more acidic. There is significant concern among the scientific community, resource managers, and policymakers that ocean acidification could adversely impact our Nation's marine ecosystems, the food webs of many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism. The Federal Ocean Acidification Research and Monitoring Act would establish an interagency committee, chaired by the National Oceanic and Atmospheric Administration, to develop and provide Congress with a strategic research plan on ocean acidification. Additionally, it vests the authority within the National Oceanic and Atmospheric Administration to establish an ocean acidification program

within the agency to conduct research and long-term monitoring, education and outreach, and development of adaptation strategies and techniques for conserving marine ecosystems.

The Coastal and Estuarine Land Conservation Program Act would authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to make grants to coastal States for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses, and it provides grants for lands to be managed or restored to effectively conserve, improve, or restore ecological function. Estuaries, wetlands, and the watersheds that flow into them support fisheries and wildlife and substantially contribute to coastal economies. The pressures of urbanization and pollution in coastal areas threaten to impair watersheds, undermine natural protections from coastal storms, impact wildlife habitat, and cause irreparable damage to coastal ecology. As our population grows, more and more people are moving to our coasts to enjoy their beauty and recreational opportunities. Coastal land protection partnership programs can help our Nation meet a number of diverse priorities such as promoting recreation, increasing wildlife, improving or conserving ecological quality and diversity, and preserving historical or cultural resources. The legislation would foster partnership programs among the Federal Government, State agencies, local governments, private landowners, and nonprofits to effectively conserve and manage coastal lands.

Over 50 percent of our population lives along our coasts and our coastal economies generate one-half of our Nation's gross domestic product. The planet's oceans produce an untold amount of wealth, both economic and ecological, for our Nation. What is good for the health of our coastal communities and oceans is good for the Nation. Given the reliance our citizens have on our marine and coastal resources and the large gaps exist in our knowledge regarding U.S. ocean and coastal areas, strengthening and improving our marine, coastal, and scientific programs will enable us to make the best possible decisions about how to manage, preserve and protect our oceans.

Mr. BINGAMAN. Madam President, earlier today the Senate passed S. 22, the Omnibus Public Lands Management Act of 2009. As I said during the debate, S. 22 includes over 160 bills from the Committee on Energy and Natural Resources and reflects many years of hard work.

This achievement would not have been possible without the hard work of our outstanding staff. Both our ranking member, Senator MURKOWSKI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, I would like to thank the committee's staff director, Bob Simon, and chief counsel, Sam Fowler, for all of their work on this legislation, as on all the legislation that comes through our committee. I would also like to thank senior counsel Patty Beneke; counsel Mike Connor, who worked on all of the water issues included in the bill; counsels David Brooks, Kira Finkler, and Scott Miller, who coordinated all of the park and public lands bills; professional staff members Jorge Silva-Banuelos, who worked very hard on many of the New Mexico land bills; and Jonathan Epstein; and two National Park Service fellows, Karl Cordova, who worked on the committee last year, and Mike Gauthier, who is on the staff for the current year.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; and staff assistants Rachel Pasternack, Gina Weinstock, and Rosemarie Calabro.

On the Republican side, let me acknowledge Senator MURKOWSKI's new staff director, McKie Campbell, and chief counsel Karen Billups. I would also like to note my thanks to former Senator Domenici's staff director during the previous Congress, Frank Macchiarola; and former minority chief counsel, Judy Pensabene. I would also like to recognize counsel Kellie Donnelly; as well as professional staff members Frank Gladics, Josh Johnson, and Tom Lillie, all of whom made significant contributions to this bill.

In addition, I am very grateful to the committee's nondesignated staff: Anna-Kristina Fox, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

S. 22 contains over 1,200 pages of text, and was the subject of numerous revisions. I am grateful to the help of the Senate legislative counsel office, and Gary Endicott, Heather Burnham, and Colin Campbell in particular.

I would also like to thank Cliff Isenberg from the Senate Budget Committee for his help as well as Deb Reis from the Congressional Budget Office, and Tyler Kruzich, formerly with CBO.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValk, Gary Myrick, and, as always, the secretary for the majority, Lula Davis, as well as Tim Mitchell, the assistant secretary for the majority. I would also like to thank the cloakroom staff, Joe Lapia, Meredith Mellody, Brandon Durflinger, and Estaban Galvan, for all of their assistance.

All of these fine staff members had a hand in putting S. 22 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for their good work.

Mr. AKAKA. Madam President, today I rise to express my support for S. 22, the Omnibus Public Land Management Act of 2009. I commend Chairman BINGAMAN and former Ranking Member Domenici of the Senate Committee on Energy and Natural Resources for their leadership and their staff for their dedication during the previous Congress to move this important legislation forward. While we were unable to vote on this package last year, it is time that we pass these bills. During these times of economic downturn, our national parks and public lands are some of the few affordable recreational opportunities available to the American people.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public land measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and favorably reported by the Senate Committee on Energy and Natural Resources during the 110th Congress. By utilizing, to the full extent, the committee vetting process that includes acquiring testimonies from Federal agencies, stakeholders, and members of the public, concerns were addressed and bills were amended, as needed. In addition to the Senate committee's approval, many of these measures were passed by the House of Representatives last Congress.

As chairman of the National Parks Subcommittee, I had the opportunity to hold hearings on a number of the bills included in this package. This legislation includes many important provisions for protecting and preserving America's national parks and enhancing the experiences to be gained by park visitors. Today, I wish to highlight four provisions that I sponsored during the 110th Congress: H.R. 3332, the Kalaupapa Memorial Act; S. 1728, Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act; S. 2220, Outdoor Recreation Act of 1963 Amendments Act; and S. 320, the Paleontological Resource Preservation Act. In addition, I appreciate the inclusion of S. 1680, the Izembek and Alaska Peninsula Refuge Enhancement Act of 2008. This provision addresses the needs of a rural and indigenous Alaska Native community.

The first three of these provisions are particularly meaningful as they acknowledge the historical contributions and preserve Hawaii's unique heritage for future generations. The remembrance and revitalization of our culture, heritage, and natural resources are an essential way to build upon the values and traditions of our past and move forward into the future. I am proud that the people of Hawaii, through partnerships at the State and

Federal levels, have embraced this opportunity. These efforts perpetuate a legacy to be embraced by not only the people of Hawaii, but a legacy to be shared with people across this Nation. I am confident that these measures which I sponsored will enable continued good work and progress in promoting and protecting the natural and cultural resources of my home State.

The Kalaupapa Memorial Act would authorize a memorial to be established at Kalaupapa National Historical Park in Hawaii. This long overdue memorial will honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa community, which is located on a remote peninsula on the Island of Molokai.

For over 100 years, from 1866 to 1969, Kalaupapa was a colony on the Hawaiian island of Molokai where patients with Hansen's disease, also known as leprosy, were forced to live. These individuals were directed to live there by the Hawaiian and, later, the American Governments in the belief that leprosy was rampantly contagious and that isolation was the only effective means of controlling the disease. In 1865, acting on the counsel of his American and European advisers, Lot Kamehameha, the Hawaiian King, signed into law ''An Act to Prevent the Spread of Leprosy,'' which criminalized the disease. In the ensuing 103 years, men, women, and children of all ages—including those who were mistakenly believed to have leprosy—were captured and forcibly exiled to the brutal northern coast of Molokai, chosen due to its isolated and inaccessible location.

Ultimately, more than 8,000 people were sent to Kalaupapa, of which only about 1,300 graves have been identified. Most of those patients who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This measure would authorize a nonprofit organization consisting of Kalaupapa residents and their families and friends, and known as ''Ka 'Ohana O Kalaupapa,'' to establish a memorial at a suitable location in the park to honor the memory of the 8,000 residents who lived at the Kalaupapa and Kalawao communities. This monument will provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa.

The Na Hoa Pili O Kaloko-Honokohau Advisory Commission Act would reauthorize the Advisory Commission for Kaloko-Honokohau National Historical Park through 2018. Kaloko-Honokohau National Historical Park, located on the western coast of the Island of Hawaii, was established in 1978 to provide for the preservation, interpretation, and perpetuation of traditional Native Hawaiian activities and culture; to demonstrate historic land use patterns; and to provide for the education, enjoyment, and appreciation of traditional Native Hawaiian activities and culture. This Advisory Commission advises the National Park Service on historical, archaeological, cultural, and interpretive programs for the park and serves as a living resource for the education, enjoyment, and understanding of traditional Hawaiian culture and activities. This legislation would extend the Advisory Commission through the end of 2018.

The Outdoor Recreation Act of 1963 Amendments Act seeks to authorize $500,000 in funds for fiscal years 2008 through 2017 to the National Tropical Botanical Gardens. The measure will authorize appropriations to the corporation governing the Botanical Gardens for operation and maintenance expenses. These funds will contribute towards the private donations that the Botanical Gardens already raises to support its annual operating budget of over $10 million.

The National Tropical Botanical Gardens is a private charitable corporation, chartered by legislation that was enacted in 1964 to foster horticultural research, education, and plant preservation. Its congressional charter mandates the Botanical Gardens to preserve, for the people of the United States, species of tropical plant life threatened with extinction.

Conservation is one of the National Tropical Botanical Garden's key roles. This role has become even more critical as tropical plant species continue to become extinct at a disturbing rate. As many as one-third of the remaining global plant species are considered at risk of extinction. Since 1976, the National Tropical Botanical Gardens has recognized and worked with urgency to preserve and cultivate native Hawaiian plants, and has made its program of preserving Hawaii's endangered and threatened flora a matter of the highest priority.

The unique flora of 1,300 species that has evolved over millions of years in Hawaii represents a significant resource to the people of the United States in terms of the biodiversity it represents. Further, many of these botanic species serve as the foundation of entire ecosystems, serving as food sources or habitats for other larger species that are either threatened or endangered. These are species that are not represented in any of the other 49 States in our Nation. Each of these species contains unique genes that express themselves in a myriad of ways. Each time we lose a species to extinction we lose an irreplaceable reservoir of unique genes and eliminate their usage as a possible benefit to humanity.

The Paleontological Resources Preservation Act incorporates many of the recommendations on the subject issued by the Department of the Interior in 2000. This act would help protect and preserve the nation's important fossil resources that are found on Federal lands for the benefit of our citizens. This provision will still allow the practice of casual collecting that is being enjoyed on Federal lands. While I recognize the educational benefits and the major fossil discoveries made by amateur collectors and curio hunters, fossil theft has become an increasing problem. Vertebrate fossils are rare and important natural resources that have become increasingly endangered due to an increase in the illegal collection of fossil specimens for commercial sale. However, at this time there is no unified policy regarding the treatment of fossils by Federal lands management agencies which would help protect and conserve fossil specimens. We risk the deterioration or loss of these valuable scientific resources. This act will correct that omission by providing uniformity to the patchwork of statutes and regulations that currently exist. It will create a comprehensive national policy for preserving and managing fossils and other artifacts found on Federal lands, and will prevent future illegal trade. I would like to emphasize that this bill covers only paleontological remains on Federal lands and in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act.

Lastly, I express my support for a provision in the omnibus lands bill that I cosponsored in the 110th Congress, S. 1680, the Izembek and Alaska Peninsula Refuge and Wilderness Enhancement Act. This measure paves the way for a road that would provide dependable and safe year-round access for the residents of King Cove in Alaska to the nearby Cold Bay Airport. I believe that the 800 residents of King Cove, most of whom are Native Aleut, have an absolute right to a means of transport that is accessible under all weather conditions, including gale force winds and fog. This reliable means of getting to the airport will help address many of the community's safety, health, and medical concerns because the Cold Bay Airport is an all-weather airport.

In addition to providing an essential passageway, this provision will authorize a land transfer in which nearly 56,000 acres of pristine land will be classified as wildlife refuge wilderness. In contrast, only about 2,000 acres of Federal land could potentially be exchanged for the purpose of constructing a one-lane gravel road. This measure has been in the making for 10 years. I commend the Energy and Natural Resources Committee for working across the aisle to modify and refine the original language to be acceptable to all parties and stakeholders. Neither

the land exchange nor the construction of the road will occur without a stringent environmental impact statement required under the National Environmental Policy Act of 1969 and assurances by the Secretary of the Department of the Interior that the construction of the road and the land exchange are in the public interest and sufficient environmental safeguards are in place.

I strongly support the Omnibus Public Land Management Act of 2009 and those provisions that protect and preserve the historical contributions made by Hawaii's environmental and cultural heritage. We must protect our legacies, and I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations.

Ms. CANTWELL. Madam President, today, the Senate can be very proud of a very significant accomplishment for the enjoyment and protection of wilderness areas, historical sites, national parks, forests, trails and scenic rivers. Collectively, this is one of the most sweeping conservation bills the Senate has passed in many years.

This bill has been through many twists and turns over the last year. But today's successful vote could not have been possible without the tenacity and dedication of the Majority Leader.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land priorities become law.

There are a number my bills in this omnibus lands package that I would like to speak to.

First, the Ice Age Floods National Geologic Trail Designation Act. This bill will create a National Park Service trail to celebrate the remarkable geologic history of the Pacific Northwest region. This bill has enjoyed regional, bipartisan support. I would like to thank Senators MURRAY, WYDEN, CRAPO, and my former colleagues Senators Smith and Craig for working with me on this legislation.

There are too many people to thank by name but I want to acknowledge the dedication of the Ice Age Floods Institute, particularly its President, Gary Kleinknecht, who has worked tirelessly to educate our country on the significance of the Ice Age Floods Geologic Trail.

In many ways, the members of the Institute serve as the protégés of people like University of Washington professor J. Harlan Bretz and USGS geologist Joseph Pardee, who fought to make credible their hypothesis about the historic existence of the Ice Age Floods.

This is a wonderful day for many communities, scientists, and Ice Age Floods enthusiasts throughout the Pacific Northwest, and for tourism and geologic education.

The Ice Age Floods Institute has promoted the development of an Ice Age Floods National Geologic Trail for over 12 years. With the growing interest and enthusiasm for this concept, this Geologic Trail is a long time coming. The story of the Ice Age Floods is a truly amazing story of the forces of nature and their impact on our lives.

When geologists first saw the vast Columbia Basin in eastern Washington, they recognized that glaciers and flowing water had played a large part in shaping the extraordinary landscape, with its canyons, buttes, dry cataracts, boulder fields, and gravel bars.

During the last Ice Age, some 13,000 to 18,000 years ago, an ice cap covered almost all of Canada and extended down across much of the Pacific Northwest. In Idaho, a 2,000-foot-high glacier backed water up in western Montana until it formed Glacial Lake Missoula, totaling 530 cubic miles or more than Lakes Erie and Ontario combined.

When Glacial Lake Missoula deepened enough, the sheer force of the backed up water undermined the glacial ice dam, and the ice give way in a cracking explosion. The huge lake was released all at once.

When the dam broke, a towering mass of water and ice was released and swept across parts of Idaho, Washington, and Oregon on its way to the ocean.

The peak rate of flow was ten times the combined flow of all the rivers of the world. The huge lake may have emptied in as little as 2 or 3 days.

Geologists at the University of Washington counted 89 floods without reaching bottom, leading to present-day estimates of up to 100 catastrophic water releases.

The glacial ice dam would break, sparking cataclysmic floods, fresh ice would eventually flow from Canada to once more create an ice dam and Lake Missoula, and the cycle would be repeated every 50 years or so. It ended only with the melting of the continental ice cap.

These epic floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees, buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

These floods are a remarkable part of our natural heritage. They have profoundly affected the geography and ways of life in the region but have remained largely unknown to the general public.

The legacy of the floods includes not only stark scabland and dramatic dry coulees and cataracts, but also exceptionally fertile, productive farmland, and significant wetlands and aquifers.

Creating a National Park Service trail to recognize and celebrate how these floods literally shaped the face of our state will provide an unparalleled educational resource for Washingtonians and visitors from across the country.

It will also spur economic development and create jobs in local communities across eastern and central Washington.

I appreciate the Senate's attention to this bill that will help educate and interpret one of the largest flooding events known to science.

To date, more than 30 entities spanning State and local governments, chambers of commerce, and other civic and community organization support creation of the trail concept.

This Omnibus Public Land Management Act of 2009 also includes my Snoqualmie Pass Land Conveyance Act. This hill would transfer an acre and a half of Forest Service land to the Snoqualmie Pass fire district to help them build a new fire station.

I specifically thank the fire district commissioner Chris Caviezel for working so hard on behalf of the people at Snoqualmie Pass and providing top rate emergency services at one of the most traveled mountain passes in the country.

During our recent winter storms, which brought several feet of snow, following by pounding rain and massive land slides at the Pass, Chris has been on the front lines providing tireless and dedicated round the clock public service to keep Snoqualmie Pass safe.

The Snoqualmie Pass Fire Department serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90, a community of 350 full-time residents that peaks to 1,500 during the ski season.

Additionally, the ski area estimates 20,000 patrons on a busy weekend, and the Department of Transportation estimates that up to 60,000 vehicles travel through the fire district on a busy day, making it the busiest mountain highway in the country.

This area is also the major transportation corridor for goods and services between eastern and western Washington. The all-volunteer fire department averages over 300 calls a year with about a 10 percent annual increase in call volumes, which is more than triple the amount of calls a typical all-volunteer fire department would respond to in a year.

Eighty-four percent of those incidents are for nontax paying residents. Consequently, the fire department has the characteristics of a large city with the limited resources of a small community.

In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches.

The fire district is often the first responder to incidents in the area, which is prone to rock slides and avalanches and it is not uncommon for this community to be isolated for hours or even days at a time.

Several thousand people can be stranded at the pass during those periods when the Pass is closed and while the Department of Transportation works quickly to get the roads back open, it can be very taxing on local resources.

For decades, the fire district has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.

Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the fire district needs to move to a true fire station.

The fire district has identified a nearby site that would better serve the public safety needs at the pass. This location would provide easy access to the interstate in either direction, reducing emergency response times.

The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

It is my understanding that there are offers of support to construct a new fire station from State and local officials, and to mitigate any effects of construction, and I support those efforts.

I appreciate the efforts of Senator MURRAY and my colleagues on the Energy and Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the pass and my colleagues to improve public safety in the area.

This Omnibus Public Land Management Act of 2009 also includes my Pacific Northwest National Scenic Trail Act. This bill would designate the Pacific Northwest trail a national scenic trail.

The Pacific Northwest is home to some of the most pristine and breathtaking scenery this country has to offer—from vast patches of forest and steep, snow capped mountain ranges to sandy beaches, rocky ocean coast, and green pastures.

The Pacific Northwest Trail, zigzagging from the Continental Divide to the Pacific Coast, offers all of these spectacular views. The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end it passes through three States, crosses three national parks, and winds through seven national forests.

And designating the Pacific Northwest trail a national scenic trail will give it the proper recognition, bring benefits to neighboring rural communities, and promote its protection, development, and maintenance.

In 1980, the National Park Service and the Forest Service completed a feasibility study of the proposed Pacific Northwest trail. And the study concluded that the Pacific Northwest trail has the scenic and recreational qualities needed for designation as a national scenic trail.

Today, approximately 950 miles of the Pacific Northwest trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States.

With more recognition and more people from all over the country ''putting on their hiking boots,'' the trail will receive more eligibility for grants funding and increased attention, which in turn will result in increased use and more economic activity in rural areas.

National scenic trails provide recreation, conservation, and enjoyment of significant scenic, historic, natural, and cultural qualities. The Pacific Northwest trail is a national prize and should be recognized as such.

This Omnibus Public Land Management Act of 2009 also includes my wildland firefighter safety legislation. This legislation will improve accountability and transparency in wildland firefighter safety training programs. Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them.

When wildfires do occur we rely on courageous men and women to protect our communities and natural resources. Every summer, we send thousands of brave firefighters into harm's way to protect our Nation's rural communities and public lands.

Of course, fighting fires is inherently dangerous. But we must not abide preventable deaths: We must not lose firefighters simply because rules are broken, policies are ignored, and no one is held accountable.

Six years ago, Washington State suffered a horrible tragedy. On July 10, 2001, near Winthrop in Okanogan County, during the second worst drought in Washington history, the Thirtymile fire burned out of control and four courageous firefighters died. Sadly, subsequent investigations revealed that they didn't have to die. The Forest Service has said the tragedy ''could have been prevented.''

Since then, the courage of the Thirtymile families, standing up and demanding change, has had a positive impact on the safety of our wildland firefighters. But we must do much more.

Through training and certification we can lower the risk to the brave men and women who protect our forests and communities. It's critical that Congress is actively engaged to ensure this happens.

An inspector general's report released in March 2006 found problems in the Forest Service's oversight of contracting firefighting crews. Hundreds are contracted by the Forest Service and State agencies every year to fight fires. Roughly one-third of the records it sampled showed that fire fighters' qualification standards had not been met. Too many have been dispatched to fight fires without the necessary preparation.

This is not new. A 2003 Seattle Times report cited an internal Forest Service memo identifying the lack of accountability in the contract firefighting program. A 2004 GAO report found that insufficiently trained contract crews hampered firefighting efforts. And a 2004 IG audit found that at the time the Forest Service could not monitor the certification of more than 80 percent of its own firefighters. That is unacceptable.

This legislation is a very modest yet important proposal. The Senate has already passed it once as an amendment to the 2003 healthy forests legislation, but sadly, it was not included in the conference version of the bill.

It is clear: this bill's provisions are still a necessary tool to ensure that Congress and Federal wildland firefighting agencies are as proactive as possible in protecting the lives of wildland firefighters.

First, the Wildland Firefighter Safety and Transparency Act requires the Secretaries of Agriculture and Interior to track the funds they spend on firefighter safety and training. Congress and taxpayers deserve to know whether and how Federal funds are being spent to ensure the safety of firefighters.

Improved accountability means improved safety: I hope the Forest Service will agree to track its funds as part of the administration's annual budget request.

Second, my legislation requires the Secretaries to report to Congress annually on their departments' safety and training programs. We need to monitor Federal firefighting agencies and ensure commitments to reform are being acted upon. An annual check-in on safety programs from Congress is essential to making that happen.

Finally, my bill would require the Forest Service to ensure that private firefighting crews working under federal contracts receive training consistent with their Federal counterparts. This is critical not only to protect those private crews but also to safeguard the Federal, State and tribal employees who stand shoulder-to-shoulder with the contractors on the fire line.

And so we have an obligation to protect and prepare the brave firefighters we send into harm's way. I look forward to working with my House colleagues on approving this legislation.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Mr. DURBIN. Madam President, the Omnibus Public Land Management Act of 2009 (S. 22) combines more than 160 individual bills to protect America's wilderness and responsibly manage our natural resources. The individual measures in this bill were originally introduced by nearly equal numbers of Democratic and Republican Senators and the vast majority have broad bipartisan support.

S. 22 would protect over 2 million acres of land by designating it as wilderness, making it the largest expansion of the National Wilderness Preservation System in almost 15 years.

The new and expanded wilderness areas established by this bill would span nine States and include such treasures as: Pictured Rocks National Lakeshore in Michigan; Monongahela National Forest in West Virginia; Oregon's Mount Hood; Idaho's Owyhee canyons; the Sierra Nevada Mountains of California; the Rocky Mountain National Park in Colorado; Zion National Park in Utah; as well as wilderness-quality lands in Virginia and New Mexico.

S. 22 would also protect more than 1,000 miles of free-flowing rivers by adding them to the National Wild and Scenic Rivers System. It would add thousands of new miles of trails to the National Trails System, expand the National Park System, and establish new National Conservation Areas.

The Omnibus Public Land Management Act would create new National Heritage Areas and authorize additions to the National Park System to preserve historical sites, including the creation of the Abraham Lincoln Birthplace National Historic Park in Kentucky.

The package also contains critical measures to responsibly manage our Nation's water resources, including a provision to assess the impact of climate change on our national water supply, authorizations to repair water infrastructure, and the resolution of important water settlements in the West.

Other key provisions include the establishment of a 26-million-acre National Landscape Conservation System and protecting more than 1 million acres of Wyoming's Bridger-Teton National Forest from oil and gas development.

In its waning days, the current administration went forward with a controversial oil and gas lease sale in Utah that included wilderness quality lands near several national parks. This sale highlights the need for Congress to come together and protect our public lands and precious natural resources for future generations.

I support this package to protect our wilderness areas and preserve the country's natural resources.

Mr. BINGAMAN. Madam President, this package would not have been possible without the dedicated work of the majority leader over the past several months. I wish to particularly thank him for his commitment to calling up this bill early in this Congress and proceeding with it. I wish to also acknowledge the excellent work and energy of the Natural Resources Committee's new ranking minority member Ms. MURKOWSKI. We have been able to work together to develop a truly bipartisan combination of bills which is reflected in the broad support for this package. Of course, I wish to acknowledge the role of Senator Domenici, who was the ranking member in the prior Congress, for his hard work that also is reflected in this legislation.

I wish to also recognize the work of three of our subcommittee chairmen and ranking members: Senators AKAKA and BURR on the National Parks Subcommittee, Senators WYDEN and BARRASSO from the Public Lands and Forests Subcommittee, Senator JOHNSON and Senator CORKER of the Water and Power Subcommittee. Most of the hearings for the bills in this package were held in those subcommittees. These Senators laid much of the groundwork for today's vote. Of course, I wish to recognize Chairman RAHALL of the House Natural Resources Committee for all his work and the work of his staff to resolve any differences that could have existed with the other body.

We have had superb staff work in developing this legislation. Let me particularly mention David Brooks, Kara Finkler and, of course, our staff director, Bob Simon, as well as Sam Fowler, the counsel for our Energy and Natural Resources staff; also, Mike Connor, who worked very hard on many of the water provisions contained in the legislation; Scott Miller, who worked on many of the forest-related sections of this legislation. I know Senator MURKOWSKI and, prior to her, Senator Domenici, also had excellent staff work on the Republican side, which resulted in this legislation coming together in a bipartisan fashion.

So I will put a more complete statement acknowledging the great work of members of our committee staff in the RECORD and elaborate on that as the day proceeds, but I do wish to mention them now.

Madam President, I see my colleague from Oklahoma is here to speak. How much time remains on the two sides? I know he has 5 minutes. Is there any time remaining on our side?

The PRESIDING OFFICER. There is no time remaining on the majority side.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, in thinking about where we are today, I asked myself what the average Oklahoman would ask of me about this bill, or the average person from Wyoming or California.

As I think about it, we have a bill that has 45 blatant earmarks in it. It is not a new day in Washington. Despite arguments to the contrary, we are going to significantly alter our access to millions of barrels of oil and trillions of cubic feet of natural gas by what we are doing. We are going to create a further imbalance. We have almost 107 million acres of wilderness area. We are going to add another 2.2 million acres to that today. We are going to trample on property rights as we haven't in decades, both directly and indirectly. I asked myself: Why are we doing it? I believe we are doing it because we are thinking in the very short term. I also believe we are doing it because we pride ourselves in the parochial benefits that we can return to our States at the expense of the best judgment in terms of decisionmaking for our future.

As has been noted on this floor, there are many of these bills that I don't approve that don't have an impact, that aren't earmarks, that aren't going to take property rights away, that aren't going to limit our access to available oil and natural gas, proven reserves, but nevertheless we are going to do those things today, and there are going to be 20 or 25 votes against it. That doesn't mean the people who are promoting this are any more genuine or sincere than I am, but I think what it does mean is we have a short-term, myopic-focused leadership in the Congress that does not weigh properly the benefits of pleasing the parochial interests at the expense of our future.

So I have fought very hard for many months to try to make sure a majority of these bills don't become law—not because I am opposed to wilderness or heritage areas but because I am for constitutional right of property ownership, because I know the more and more we take away from our ability to fill the gap as we transition to alternative energy, the more money we are going to fund to those people who would like to see us nonexistent.

It is a privilege to serve in this body. It is a privilege to serve with gentlemen such as the Senator from New Mexico, the chairman of this committee, and to benefit from his integrity and his demeanor and cooperation, but it is also a disappointment that, in my line of thinking, when you talk with the average American, we shouldn't be doing anything to take away property rights. We should be doing everything to assure ourselves increased access to energy in the future. We should, for sure, eliminate this blatant, corrupt process of earmarking, not because it is corrupt in terms of at this time or at that time; it is corrupt because it ignores the future and the costs and the lack of priority about how we should be spending what are going to be very limited resources in the future.

So I thank my colleagues for giving me the opportunity to attempt to put forward what I think are important principles.

I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I had a conversation with the distinguished

Republican leader, and based on that conversation, I am going to propound the following unanimous consent request.

I ask unanimous consent that immediately following the vote on the motion to invoke cloture on the motion to proceed to S. 181, regardless of the outcome, the Senate proceed to the consideration of calendar No. 16, S. J. Res. 5, the disapproval resolution relating to Emergency Economic Stabilization Act, and that the vote on passage of the joint resolution occur at 4:30 p.m., notwithstanding rule XII, paragraph 4; that the time be divided as provided for under the statute; that at 2 p.m. the consideration and debate be interrupted for the swearing in of Senator-appointee BURRIS and that the time utilized be charged against the majority; and that at 4:30 p.m. today, the Senate proceed to vote on the joint resolution, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that prior to the second vote on cloture, there be 4 minutes equally divided and controlled between Senators MIKULSKI and ENZI or their designees, and that the second vote in the sequence be 10 minutes in duration.

I suggest this is the so-called Lilly Ledbetter legislation about which we have been talking.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on the engrossment and third reading of the bill, as amended.

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

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the bill, S. 22, as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The result was announced—yeas 73, nays 21, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—73

Akaka	Bennett	Cardin
Alexander	Bingaman	Carper
Barrasso	Bond	Casey
Baucus	Boxer	Clinton
Bayh	Byrd	Cochran
Begich	Cantwell	Collins
Conrad	Lautenberg	Rockefeller
Corker	Leahy	Salazar
Crapo	Levin	Sanders
Dodd	Lieberman	Schumer
Dorgan	Lincoln	Shaheen
Durbin	Lugar	Snowe
Enzi	Martinez	Specter
Feingold	McCaskill	Stabenow
Feinstein	Menendez	Tester
Gregg	Merkley	Udall (CO)
Hagan	Mikulski	Udall (NM)
Harkin	Murkowski	Voinovich
Hatch	Murray	Warner
Inouye	Nelson (FL)	Webb
Johnson	Nelson (NE)	Whitehouse
Kerry	Pryor	Wicker
Klobuchar	Reed	Wyden
Kohl	Reid	
Landrieu	Risch	

NAYS—21

Brownback	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cornyn	Isakson	Shelby
DeMint	Johanns	Thune
Ensign	Kyl	Vitter

NOT VOTING—4

Biden	Bunning
Brown	Kennedy

The bill (S. 22), as amended, was passed, as follows:

S. 22

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 ''Omnibus Public Land Management Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
Sec. 1003. Monongahela National Forest boundary confirmation.
Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 1105. Trail plan and development.
Sec. 1106. Maps and boundary descriptions.
Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.
Sec. 1202. Designation of wilderness areas.
Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 1204. Mount Hood National Recreation Area.
Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.
Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.
Sec. 1402. Voluntary grazing lease donation program.
Sec. 1403. Box R Ranch land exchange.
Sec. 1404. Deerfield land exchange.
Sec. 1405. Soda Mountain Wilderness.
Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.
Sec. 1502. Owyhee Science Review and Conservation Center.
Sec. 1503. Wilderness areas.
Sec. 1504. Designation of wild and scenic rivers.
Sec. 1505. Land identified for disposal.
Sec. 1506. Tribal cultural resources.
Sec. 1507. Recreational travel management plans.
Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.
Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.
Sec. 1652. Designation of Beaver Basin Wilderness.
Sec. 1653. Administration.
Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.
Sec. 1702. Oregon Badlands Wilderness.
Sec. 1703. Release.
Sec. 1704. Land exchanges.
Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.
Sec. 1752. Spring Basin Wilderness.
Sec. 1753. Release.
Sec. 1754. Land exchanges.
Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.
Sec. 1802. Designation of wilderness areas.
Sec. 1803. Administration of wilderness areas.
Sec. 1804. Release of wilderness study areas.
Sec. 1805. Designation of wild and scenic rivers.
Sec. 1806. Bridgeport Winter Recreation Area.
Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.
Sec. 1852. Wild and scenic river designations, Riverside County, California.
Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.
Sec. 1902. Designation of wilderness areas.
Sec. 1903. Administration of wilderness areas.
Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado
Sec. 1951. Definitions.
Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
Sec. 1954. East Shore Trail Area.
Sec. 1955. National forest area boundary adjustments.
Sec. 1956. Authority to lease Leiffer tract.
Subtitle O—Washington County, Utah
Sec. 1971. Definitions.
Sec. 1972. Wilderness areas.
Sec. 1973. Zion National Park wilderness.
Sec. 1974. Red Cliffs National Conservation Area.
Sec. 1975. Beaver Dam Wash National Conservation Area.
Sec. 1976. Zion National Park wild and scenic river designation.
Sec. 1977. Washington County comprehensive travel and transportation management plan.
Sec. 1978. Land disposal and acquisition.
Sec. 1979. Management of priority biological areas.
Sec. 1980. Public purpose conveyances.
Sec. 1981. Conveyance of Dixie National Forest land.
Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
Sec. 1983. Authorization of appropriations.
TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS
Subtitle A—National Landscape Conservation System
Sec. 2001. Definitions.
Sec. 2002. Establishment of the National Landscape Conservation System.
Sec. 2003. Authorization of appropriations.
Subtitle B—Prehistoric Trackways National Monument
Sec. 2101. Findings.
Sec. 2102. Definitions.
Sec. 2103. Establishment.
Sec. 2104. Administration.
Sec. 2105. Authorization of appropriations.
Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area
Sec. 2201. Definitions.
Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 2203. Management of the Conservation Area.
Sec. 2204. Authorization of appropriations.
Subtitle D—Snake River Birds of Prey National Conservation Area
Sec. 2301. Snake River Birds of Prey National Conservation Area.
Subtitle E—Dominguez-Escalante National Conservation Area
Sec. 2401. Definitions.
Sec. 2402. Dominguez-Escalante National Conservation Area.
Sec. 2403. Dominguez Canyon Wilderness Area.
Sec. 2404. Maps and legal descriptions.
Sec. 2405. Management of Conservation Area and Wilderness.
Sec. 2406. Management plan.
Sec. 2407. Advisory council.
Sec. 2408. Authorization of appropriations.
Subtitle F—Rio Puerco Watershed Management Program
Sec. 2501. Rio Puerco Watershed Management Program.
Subtitle G—Land Conveyances and Exchanges
Sec. 2601. Carson City, Nevada, land conveyances.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.
Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2606. Douglas County, Washington, land conveyance.
Sec. 2607. Twin Falls, Idaho, land conveyance.
Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.
TITLE III—FOREST SERVICE AUTHORIZATIONS
Subtitle A—Watershed Restoration and Enhancement
Sec. 3001. Watershed restoration and enhancement agreements.
Subtitle B—Wildland Firefighter Safety
Sec. 3101. Wildland firefighter safety.
Subtitle C—Wyoming Range
Sec. 3201. Definitions.
Sec. 3202. Withdrawal of certain land in the Wyoming range.
Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.
Subtitle D—Land Conveyances and Exchanges
Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
Sec. 3305. Kittitas County, Washington, land conveyance.
Sec. 3306. Mammoth Community Water District use restrictions.
Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
Sec. 3309. Sandia pueblo land exchange technical amendment.
Subtitle E—Colorado Northern Front Range Study
Sec. 3401. Purpose.
Sec. 3402. Definitions.
Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.
TITLE IV—FOREST LANDSCAPE RESTORATION
Sec. 4001. Purpose.
Sec. 4002. Definitions.
Sec. 4003. Collaborative Forest Landscape Restoration Program.
Sec. 4004. Authorization of appropriations.
TITLE V—RIVERS AND TRAILS
Subtitle A—Additions to the National Wild and Scenic Rivers System
Sec. 5001. Fossil Creek, Arizona.
Sec. 5002. Snake River Headwaters, Wyoming.
Sec. 5003. Taunton River, Massachusetts.
Subtitle B—Wild and Scenic Rivers Studies
Sec. 5101. Missisquoi and Trout Rivers Study.
Subtitle C—Additions to the National Trails System
Sec. 5201. Arizona National Scenic Trail.
Sec. 5202. New England National Scenic Trail.
Sec. 5203. Ice Age Floods National Geologic Trail.
Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 5205. Pacific Northwest National Scenic Trail.
Sec. 5206. Trail of Tears National Historic Trail.
Subtitle D—National Trail System Amendments
Sec. 5301. National Trails System willing seller authority.
Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 5303. Chisholm Trail and Great Western Trails Studies.
TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS
Subtitle A—Cooperative Watershed Management Program
Sec. 6001. Definitions.
Sec. 6002. Program.
Sec. 6003. Effect of subtitle.
Subtitle B—Competitive Status for Federal Employees in Alaska
Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.
Subtitle C—Management of the Baca National Wildlife Refuge
Sec. 6201. Baca National Wildlife Refuge.
Subtitle D—Paleontological Resources Preservation
Sec. 6301. Definitions.
Sec. 6302. Management.
Sec. 6303. Public awareness and education program.
Sec. 6304. Collection of paleontological resources.
Sec. 6305. Curation of resources.
Sec. 6306. Prohibited acts; criminal penalties.
Sec. 6307. Civil penalties.
Sec. 6308. Rewards and forfeiture.
Sec. 6309. Confidentiality.
Sec. 6310. Regulations.
Sec. 6311. Savings provisions.
Sec. 6312. Authorization of appropriations.
Subtitle E—Izembek National Wildlife Refuge Land Exchange
Sec. 6401. Definitions.
Sec. 6402. Land exchange.
Sec. 6403. King Cove Road.
Sec. 6404. Administration of conveyed lands.
Sec. 6405. Failure to begin road construction.
Sec. 6406. Expiration of legislative.
Subtitle F—Wolf Livestock Loss Demonstration Project
Sec. 6501. Definitions.
Sec. 6502. Wolf compensation and prevention program.
Sec. 6503. Authorization of appropriations.
TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS
Subtitle A—Additions to the National Park System
Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 7003. River Raisin National Battlefield Park.
Subtitle B—Amendments to Existing Units of the National Park System
Sec. 7101. Funding for Keweenaw National Historical Park.
Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.

Sec. 7103. Little River Canyon National Preserve boundary expansion.
Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
Sec. 7106. Minute Man National Historical Park.
Sec. 7107. Everglades National Park.
Sec. 7108. Kalaupapa National Historical Park.
Sec. 7109. Boston Harbor Islands National Recreation Area.
Sec. 7110. Thomas Edison National Historical Park, New Jersey.
Sec. 7111. Women's Rights National Historical Park.
Sec. 7112. Martin Van Buren National Historic Site.
Sec. 7113. Palo Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
Sec. 7115. New River Gorge National River.
Sec. 7116. Technical corrections.
Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
Sec. 7118. Fort Davis National Historic Site.

Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7204. Harriet Beecher Stowe House, Maine.
Sec. 7205. Shepherdstown battlefield, West Virginia.
Sec. 7206. Green McAdoo School, Tennessee.
Sec. 7207. Harry S Truman Birthplace, Missouri.
Sec. 7208. Battle of Matewan special resource study.
Sec. 7209. Butterfield Overland Trail.
Sec. 7210. Cold War sites theme study.
Sec. 7211. Battle of Camden, South Carolina.
Sec. 7212. Fort San Gerónimo, Puerto Rico.

Subtitle D—Program Authorizations

Sec. 7301. American Battlefield Protection Program.
Sec. 7302. Preserve America Program.
Sec. 7303. Save America's Treasures Program.
Sec. 7304. Route 66 Corridor Preservation Program.
Sec. 7305. National Cave and Karst Research Institute.

Subtitle E—Advisory Commissions

Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
Sec. 7402. Cape Cod National Seashore Advisory Commission.
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TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
Sec. 8003. South Park National Heritage Area, Colorado.
Sec. 8004. Northern Plains National Heritage Area, North Dakota.
Sec. 8005. Baltimore National Heritage Area, Maryland.
Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
Sec. 8007. Mississippi Hills National Heritage Area.
Sec. 8008. Mississippi Delta National Heritage Area.
Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
Sec. 8102. Northern Neck, Virginia.

Subtitle C—Amendments Relating to National Heritage Corridors

Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
Sec. 8202. Delaware And Lehigh National Heritage Corridor.
Sec. 8203. Erie Canalway National Heritage Corridor.
Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
Sec. 9002. Sierra Vista Subwatershed, Arizona.
Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
Sec. 9102. Madera Water Supply Enhancement Project, California.
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Sec. 9104. Rancho Cailfornia Water District project, California.
Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
Sec. 9106. Rio Grande Pueblos, New Mexico.
Sec. 9107. Upper Colorado River endangered fish programs.
Sec. 9108. Santa Margarita River, California.
Sec. 9109. Elsinore Valley Municipal Water District.
Sec. 9110. North Bay Water Reuse Authority.
Sec. 9111. Prado Basin Natural Treatment System Project, California.
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Subtitle C—Title Transfers and Clarifications

Sec. 9201. Transfer of McGee Creek pipeline and facilities.
Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

Sec. 9401. Definitions.
Sec. 9402. Implementation and water accounting.
Sec. 9403. Enforceability of program documents.
Sec. 9404. Authorization of appropriations.

Subtitle F—Secure Water

Sec. 9501. Findings.
Sec. 9502. Definitions.
Sec. 9503. Reclamation climate change and water program.
Sec. 9504. Water management improvement.
Sec. 9505. Hydroelectric power assessment.
Sec. 9506. Climate change and water intragovernmental panel.
Sec. 9507. Water data enhancement by United States Geological Survey.
Sec. 9508. National water availability and use assessment program.
Sec. 9509. Research agreement authority.
Sec. 9510. Effect.

Subtitle G—Aging Infrastructure

Sec. 9601 Definitions.
Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.
Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
Sec. 9604. Relationship to Twenty-First Century Water Works Act.
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TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

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Sec. 10002. Purpose.
Sec. 10003. Definitions.
Sec. 10004. Implementation of settlement.
Sec. 10005. Acquisition and disposal of property; title to facilities.
Sec. 10006. Compliance with applicable law.
Sec. 10007. Compliance with Central Valley Project Improvement Act.
Sec. 10008. No private right of action.
Sec. 10009. Appropriations; Settlement Fund.
Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.
Sec. 10011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

Sec. 10101. Study to develop water plan; report.

PART III—FRIANT DIVISION IMPROVEMENTS

Sec. 10201. Federal facility improvements.
Sec. 10202. Financial assistance for local projects.
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Subtitle B—Northwestern New Mexico Rural Water Projects

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Sec. 10302. Definitions.
Sec. 10303. Compliance with environmental laws.
Sec. 10304. No reallocation of costs.
Sec. 10305. Interest rate.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

Sec. 10401. Amendments to the Colorado River Storage Project Act.
Sec. 10402. Amendments to Public Law 87–483.
Sec. 10403. Effect on Federal water law.

PART II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 10501. Reclamation Water Settlements Fund.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

Sec. 10601. Purposes.
Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
Sec. 10603. Delivery and use of Navajo-Gallup Water Supply Project water.
Sec. 10604. Project contracts.
Sec. 10605. Navajo Nation Municipal Pipeline.

Sec. 10606. Authorization of conjunctive use wells.
Sec. 10607. San Juan River Navajo Irrigation Projects.
Sec. 10608. Other irrigation projects.
Sec. 10609. Authorization of appropriations.
PART IV—NAVAJO NATION WATER RIGHTS
Sec. 10701. Agreement.
Sec. 10702. Trust Fund.
Sec. 10703. Waivers and releases.
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Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement
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Sec. 10802. Purposes.
Sec. 10803. Definitions.
Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
Sec. 10805. Tribal water rights.
Sec. 10806. Duck Valley Indian Irrigation Project.
Sec. 10807. Development and Maintenance Funds.
Sec. 10808. Tribal waiver and release of claims.
Sec. 10809. Miscellaneous.
TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS
Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
Sec. 11002. New Mexico water resources study.
TITLE XII—OCEANS
Subtitle A—Ocean Exploration
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Sec. 12001. Purpose.
Sec. 12002. Program established.
Sec. 12003. Powers and duties of the Administrator.
Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
Sec. 12005. Ocean Exploration Advisory Board.
Sec. 12006. Authorization of appropriations.
PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009
Sec. 12101. Short title.
Sec. 12102. Program established.
Sec. 12103. Powers of program director.
Sec. 12104. Administrative structure.
Sec. 12105. Research, exploration, education, and technology programs.
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Subtitle B—Ocean and Coastal Mapping Integration Act
Sec. 12201. Short title.
Sec. 12202. Establishment of program.
Sec. 12203. Interagency committee on ocean and coastal mapping.
Sec. 12204. Biannual reports.
Sec. 12205. Plan.
Sec. 12206. Effect on other laws.
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Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009
Sec. 12301. Short title.
Sec. 12302. Purposes.
Sec. 12303. Definitions.
Sec. 12304. Integrated coastal and ocean observing system.
Sec. 12305. Interagency financing and agreements.
Sec. 12306. Application with other laws.
Sec. 12307. Report to Congress.
Sec. 12308. Public-private use policy.
Sec. 12309. Independent cost estimate.
Sec. 12310. Intent of Congress.
Sec. 12311. Authorization of appropriations.
Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009
Sec. 12401. Short title.
Sec. 12402. Purposes.
Sec. 12403. Definitions.
Sec. 12404. Interagency subcommittee.
Sec. 12405. Strategic research plan.
Sec. 12406. NOAA ocean acidification activities.
Sec. 12407. NSF ocean acidification activities.
Sec. 12408. NASA ocean acidification activities.
Sec. 12409. Authorization of appropriations.
Subtitle E—Coastal and Estuarine Land Conservation Program
Sec. 12501. Short title.
Sec. 12502. Authorization of Coastal and Estuarine Land Conservation Program.
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Sec. 13001. Management and distribution of North Dakota trust funds.
Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
Sec. 13003. Amendments to the Alaska Natural Gas Pipeline Act.
Sec. 13004. Additional Assistant Secretary for Department of Energy.
Sec. 13005. Lovelace Respiratory Research Institute.
Sec. 13006. Authorization of appropriations for National Tropical Botanical Garden.
TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT
Sec. 14001. Short title.
Subtitle A—Paralysis Research
Sec. 14101. Activities of the National Institutes of Health with respect to research on paralysis.
Subtitle B—Paralysis Rehabilitation Research and Care
Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.
Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities
Sec. 14301. Programs to improve quality of life for persons with paralysis and other physical disabilities.
TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION
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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled ''Big Draft Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Big Draft Wilderness''.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled ''Cranberry Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97–466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled ''Dolly Sods Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled ''Otter Creek Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled ''Roaring Plains Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Roaring Plains West Wilderness''.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled ''Spice Run Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Spice Run Wilderness''.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled ''Monongahela National Forest Laurel Fork South Wilderness Boundary Modification'' and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) MANAGEMENT.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) IN GENERAL.—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled ''Monongahela National Forest Boundary Confirmation'' and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term ''nonmotorized recreation trail'' means a trail designed for hiking, bicycling, and equestrian use.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) SCENIC AREAS.—The term ''scenic areas'' means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking ''System—'' and inserting ''System:'';

(2) by striking ''certain'' each place it appears and inserting ''Certain'';

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking ''; and'' and inserting a period; and

(5) by adding at the end the following:

''(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain East Wilderness'.

''(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain Wilderness'.

''(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated April 28, 2008, which shall be known as the 'Raccoon Branch Wilderness'.

''(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated April 28, 2008, which shall be known as the 'Stone Mountain Wilderness'.

''(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Hunting Camp Creek Wilderness'.

''(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Garden Mountain Wilderness'.

''(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

''(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).''.

(b) DESIGNATION OF WILDERNESS STUDY AREA.—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) is amended—

(1) in the first section, by inserting ''as'' after ''cited''; and

(2) in section 6(a)—

(A) by striking ''certain'' each place it appears and inserting ''Certain'';

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking ''; and'' and inserting a period; and

(D) by adding at the end the following:

''(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled 'Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the 'Lynn Camp Creek Wilderness Study Area'.''.

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled ''Kimberling Creek Additions and Potential Wilderness Area'' and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the

conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled ''Seng Mountain and Raccoon Branch'' and dated April 28, 2008, which shall be known as the ''Seng Mountain National Scenic Area''; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled ''Bear Creek'' and dated April 28, 2008, which shall be known as the ''Bear Creek National Scenic Area''.

(b) PURPOSES.—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as ''open seasonally''.

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

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

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled ''Badger Creek Wilderness—Badger Creek Additions'' and ''Badger Creek Wilderness—Bonney Butte'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled ''Bull of the Woods Wilderness—Bull of the Woods Additions'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled ''Clackamas Wilderness—Big Bottom'', ''Clackamas Wilderness—Clackamas Canyon'', ''Clackamas Wilderness—Memaloose Lake'', ''Clackamas Wilderness—Sisi Butte'', and ''Clackamas Wilderness—South Fork

Clackamas'', dated July 16, 2007, which shall be known as the ''Clackamas Wilderness''.

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled ''Mark O. Hatfield Wilderness—Gorge Face'' and ''Mark O. Hatfield Wilderness—Larch Mountain'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled ''Mount Hood Wilderness—Barlow Butte'', ''Mount Hood Wilderness—Elk Cove/Mazama'', ''Richard L. Kohnstamm Memorial Area'', ''Mount Hood Wilderness—Sand Canyon'', ''Mount Hood Wilderness—Sandy Additions'', ''Mount Hood Wilderness—Twin Lakes'', and ''Mount Hood Wilderness—White River'', dated July 16, 2007, and the map entitled ''Mount Hood Wilderness—Cloud Cap'', dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled ''Roaring River Wilderness—Roaring River Wilderness'', dated July 16, 2007, which shall be known as the ''Roaring River Wilderness''.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled ''Salmon-Huckleberry Wilderness—Alder Creek Addition'', ''Salmon-Huckleberry Wilderness—Eagle Creek Addition'', ''Salmon-Huckleberry Wilderness—Hunchback Mountain'', ''Salmon-Huckleberry Wilderness—Inch Creek'', ''Salmon-Huckleberry Wilderness—Mirror Lake'', and ''Salmon-Huckleberry Wilderness—Salmon River Meadows'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled ''Lower White River Wilderness—Lower White River'', dated July 16, 2007, which shall be known as the ''Lower White River Wilderness''.

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated July 16, 2007, is designated as the ''Richard L. Kohnstamm Memorial Area''.

(c) POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.—

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as ''Potential Wilderness'' on the map entitled ''Roaring River Wilderness'', dated July 16, 2007, is designated as a potential wilderness area.

(B) MANAGEMENT.—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled ''Mount Hood Wilderness—Tilly Jane'', dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.—On acquisition by the United States, the approximately 160 acres of land identified as ''Land to be acquired by USFS'' on the map entitled ''Hunchback Mountain Land Exchange, Clackamas County'', dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) DESCRIPTION OF LAND.—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the ''Secretary'') may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

''(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

''(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

''(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

''(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

''(176) FIFTEENMILE CREEK, OREGON.—

''(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

''(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

''(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

''(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

''(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

''(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

''(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

''(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

''(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.''.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the ''Columbia River Gorge National Scenic Area Act'' (16 U.S.C. 544k(a)(4)) is amended by striking ''for a period not to exceed twenty years from the date of enactment of this Act,''.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled ''National Recreation Areas—Mount Hood NRA'', ''National Recreation Areas—Fifteenmile Creek NRA'', and ''National Recreation Areas—Shellrock Mountain'', dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as ''BLM Lands'' on the map entitled ''National Recreation Areas—Shellrock Mountain'', dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Crystal Springs Watershed Special Resources Management Unit'', dated June 2006 (referred to in this subsection as the ''map''), to be known as the ''Crystal Springs Watershed Special Resources Management Unit'' (referred to in this subsection as the ''Management Unit'').

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as ''HES 151'' on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public

inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as ''Cloud Cap Road'', which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—

(A) EFFECT.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the ''Crystal Springs Zone of Contribution'' by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) COOPERATION.—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the ''Crystal Springs Zone of Contribution''.

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled ''Upper Big Bottom'', dated July 16, 2007; and

(B) the approximately 280 acres identified as ''Cultus Creek'' on the map entitled ''Clackamas Wilderness—South Fork Clackamas'', dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ''County'' means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Cooper Spur/Government Camp Land Exchange'', dated June 2006.

(C) FEDERAL LAND.—The term ''Federal land'' means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) MT. HOOD MEADOWS.—The term ''Mt. Hood Meadows'' means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as ''Land to be acquired by USFS'' on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange'', dated June 2006.

(B) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as ''USFS Land to be conveyed'' on the exchange map.

(C) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcels of land consisting of approximately 40 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(D) PORT.—The term ''Port'' means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ''County'' means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Hunchback Mountain Land Exchange, Clackamas County'', dated June 2006.

(C) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land consisting of approximately 160 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking ''eight hundred fifty-nine thousand six hundred acres'' and inserting ''873,300 acres'';

(2) in paragraph (29), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled 'Proposed Copper Salmon Wilderness Area' and dated December 7, 2007, to be known as the 'Copper Salmon Wilderness'.''.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the ''Secretary'') shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''19-mile segment'' and inserting ''29-mile segment'';

(2) in subparagraph (A), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

''(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

''(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.''.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term ''Box R Ranch land exchange map'' means the map entitled ''Proposed Rowlett Land Exchange'' and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term ''Bureau of Land Management land'' means the approximately 40 acres of land administered by the Bureau of Land Management identified as ''Rowlett Selected'', as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term ''Deerfield land exchange map'' means the map entitled ''Proposed Deerfield-BLM Property Line Adjustment'' and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term ''Deerfield parcel'' means the approximately 1.5 acres of land identified as ''From Deerfield to BLM'', as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term ''Federal parcel'' means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as ''From BLM to Deerfield'', as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term ''grazing allotment'' means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term ''grazing lease'' means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term ''Landowner'' means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term ''lessee'' means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term ''livestock'' does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term ''Monument'' means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term ''Rowlett parcel'' means the parcel of approximately 40 acres of private land identified as ''Rowlett Offered'', as generally depicted on the Box R Ranch land exchange map.

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

(14) STATE.—The term ''State'' means the State of Oregon.

(15) WILDERNESS.—The term ''Wilderness'' means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Soda Mountain Wilderness'' and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) CONDITIONS.—

(1) IN GENERAL.—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Soda Mountain Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—

(A) IN GENERAL.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term ''account'' means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) COUNTY.—The term ''County'' means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term ''Owyhee Front'' means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term ''plan'' means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) PUBLIC LAND.—The term ''public land'' has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

(7) STATE.—The term ''State'' means the State of Idaho.

(8) TRIBES.—The term ''Tribes'' means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled ''Little Jacks Creek and Big Jacks Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Big Jacks Creek Wilderness''.

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled ''Bruneau-Jarbidge Rivers Wilderness'' and dated December 15, 2008, which shall be known as the ''Bruneau-Jarbidge Rivers Wilderness''.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled ''Little Jacks Creek and Big Jacks Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Little Jacks Creek Wilderness''.

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled ''North Fork Owyhee and Pole Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''North Fork Owyhee Wilderness''.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled ''Owyhee River Wilderness'' and dated May 5, 2008, which shall be known as the ''Owyhee River Wilderness''.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled ''North Fork Owyhee and Pole Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Pole Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

''(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(182) BRUNEAU RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

''(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

''(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

''(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

''(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

''(191) OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

''(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

''(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.''.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the ''Owyhee Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as ''Proposed for Acquisition'' on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Sabinoso Wilderness'' and dated September 8, 2008.

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

(3) STATE.—The term ''State'' means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Sabinoso Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) GRAZING.—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) ACCESS.—

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) WITHDRAWAL.—Subject to valid existing rights, the land generally depicted on the map as ''Lands Withdrawn From Mineral Entry'' and ''Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry'' is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—The term ''line of demarcation'' means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term ''map'' means the map entitled ''Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary'', numbered 625/80,051, and dated April 16, 2007.

(3) NATIONAL LAKESHORE.—The term ''National Lakeshore'' means the Pictured Rocks National Lakeshore.

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

(5) WILDERNESS.—The term ''Wilderness'' means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Beaver Basin Wilderness''.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

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

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term ''District'' means the Central Oregon Irrigation District.

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

(3) STATE.—The term ''State'' means the State of Oregon.

(4) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Badlands Wilderness'' and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Oregon Badlands Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as ''Potential Wilderness'', is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as ''Clarno to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as ''Federal Government to Clarno''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as ''COID to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as ''Federal Government to COID''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

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

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

(3) TRIBES.—The term ''Tribes'' means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Spring Basin Wilderness with Land Exchange Proposals'' and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Spring Basin Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R.19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from the CTWSIR to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to CTWSIR''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from McGreer to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to McGreer''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Keys to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Keys''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Bowerman to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Bowerman''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term ''Forest'' means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) TRAIL.—The term ''Trail'' means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the

State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as ''Hoover East Wilderness Addition,'' ''Hoover West Wilderness Addition'', and ''Bighorn Proposed Wilderness Addition'', as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008; and

(ii) the map entitled ''Bighorn Proposed Wilderness Additions'' and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled ''Owens River Headwaters Proposed Wilderness'' and dated September 16, 2008, which shall be known as the ''Owens River Headwaters Wilderness''.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''John Muir Proposed Wilderness Addition (1 of 5)'' and dated September 23, 2008;

(ii) the map entitled ''John Muir Proposed Wilderness Addition (2 of 5)'' and dated September 23, 2008;

(iii) the map entitled ''John Muir Proposed Wilderness Addition (3 of 5)'' and dated October 31, 2008;

(iv) the map entitled ''John Muir Proposed Wilderness Addition (4 of 5)'' and dated September 16, 2008; and

(v) the map entitled ''John Muir Proposed Wilderness Addition (5 of 5)'' and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled ''John Muir Wilderness—Revised'' and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled ''Ansel Adams Proposed Wilderness Addition'' and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the ''White Mountains Wilderness''.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''White Mountains Proposed Wilderness-Map 1 of 2 (North)'' and dated September 16, 2008; and

(ii) the map entitled ''White Mountains Proposed Wilderness-Map 2 of 2 (South)'' and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled ''Granite Mountain Wilderness'' and dated September 19, 2008, which shall be known as the ''Granite Mountain Wilderness''.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled ''Magic Mountain Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Magic Mountain Wilderness''.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled ''Pleasant View Ridge Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Pleasant View Ridge Wilderness''.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as ''Land from FS to BLM'' on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

''(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

''(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

''(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

''(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

''(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

''(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

''(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

''(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

''(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

''(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

''(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

''(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

''(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

''(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

''(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.''.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the ''Bridgeport Winter Recreation Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as ''Pacific Crest Trail Proposed Crossing Area'' on the map entitled ''Humboldt-Toiyable National

Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as ''Pickel Hill Management Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled ''Ancient Bristlecone Pine Forest—Proposed'' and dated July 16, 2008, is designated as the ''Ancient Bristlecone Pine Forest''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled ''Proposed Addition to Agua Tibia Wilderness'', and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled ''Cahuilla Mountain Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Cahuilla Mountain Wilderness''.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled ''South Fork San Jacinto Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''South Fork San Jacinto Wilderness''.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled ''Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition'', and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled ''Beauty Mountain Proposed Wilderness'', and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Beauty Mountain Wilderness''.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled ''Orocopia Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled ''Palen-McCoy Proposed Wilderness Additions'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled ''Pinto Mountains Proposed Wilderness'', and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Pinto Mountains Wilderness''.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled ''Chuckwalla Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

''(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

''(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

''(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

''(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

''(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

''(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

''(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

''(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

''(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.''.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

''(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

''(1) The 'Santa Rosa Peak Area Monument Expansion'.

''(2) The 'Snow Creek Area Monument Expansion'.

''(3) The 'Tahquitz Peak Area Monument Expansion'.

''(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.''.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking ''eight'' and inserting ''a majority of the appointed''.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

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

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

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled ''John Krebs Wilderness'', and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as ''Silver City'' and ''Kaweah Han''.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled ''Sequoia-Kings Canyon Wilderness Addition'', numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Rocky Mountain National Park Wilderness Act of 2007'' and dated September 2006.

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

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

(4) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term ''Wilderness'' means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

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

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a ''Potential Wilderness Area'', the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a

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

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

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the ''East Shore Trail Area''.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

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

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

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

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado–Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

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

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

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

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

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

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

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

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

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

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

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

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

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

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

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

(B) maintaining the Trail.

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

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

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

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

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

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

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

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

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

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

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

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

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

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

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term ''Beaver Dam Wash National Conservation Area Map'' means the map entitled ''Beaver Dam Wash National Conservation Area'' and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term ''Canaan Mountain Wilderness Map'' means the map entitled ''Canaan Mountain Wilderness'' and dated June 21, 2008.

(3) COUNTY.—The term ''County'' means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northeastern Washington County Wilderness Map'' means the map entitled ''Northeastern Washington County Wilderness'' and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northwestern Washington County Wilderness Map'' means the map entitled ''Northwestern Washington County Wilderness'' and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ''Red Cliffs National Conservation Area Map'' means the map entitled ''Red Cliffs National Conservation Area'' and dated November 12, 2008.

(7) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ''Washington County Growth and Conservation Act Map'' means the map entitled ''Washington County Growth and Conservation Act Map'' and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Beartrap Canyon Wilderness''.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Blackridge Wilderness''.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the ''Canaan Mountain Wilderness''.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Canyon Wilderness''.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Forest Wilderness''.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Cougar Canyon Wilderness''.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek Wilderness''.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek North Wilderness''.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Doc's Pass Wilderness''.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Goose Creek Wilderness''.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''LaVerkin Creek Wilderness''.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Red Butte Wilderness''.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Red Mountain Wilderness''.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Slaughter Creek Wilderness''.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Taylor Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

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

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term ''Wilderness Area'' means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term ''Zion National Park Wilderness Map'' means the map entitled ''Zion National Park Wilderness'' and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Zion Wilderness''.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

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

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term ''habitat conservation plan'' means the conservation plan entitled ''Washington County Habitat Conservation Plan'' and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term ''public use plan'' means the use plan entitled ''Red Cliffs Desert Reserve Public Use Plan'' and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means the management plan entitled ''St. George Field Office Resource Management Plan'' and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ''Designated Road Areas'', motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bureau of Land Management' and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

''(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

''(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

''(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

''(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

''(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

''(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

''(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

''(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

''(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

''(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

''(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

''(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

''(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

''(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

''(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

''(JJ) PINE CREEK .—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

''(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

''(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

''(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.''.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

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

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term ''trail'' means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance

with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ''High Desert Off-Highway Vehicle Trail''.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the ''Washington County, Utah Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as ''Temple Quarry'' as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel B'', to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel C'', to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel D'', to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel E'', to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel F'', to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term ''map'' means the map entitled ''Conveyance of Dixie National Forest Land'' and dated December 18, 2008.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term ''Parcel A'' means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled ''Washington County Growth and Conservation Act Map''.

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

(3) TRIBE.—The term ''Tribe'' means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

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

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

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

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term ''Monument'' means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

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

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled ''Prehistoric Trackways National Monument'' and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included

in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled ''Fort Stanton-Snowy River Cave National Conservation Area'' and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking ''Conservation Area'' and inserting ''conservation area''; and

(B) in subsection (d), by striking ''Visitors Center'' and inserting ''visitors center''.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term ''Council'' means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 2406.

(4) MAP.—The term ''Map'' means the map entitled ''Dominguez-Escalante National Conservation Area'' and dated September 15, 2008.

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

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

(7) WILDERNESS.—The term ''Wilderness'' means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Dominguez Canyon Wilderness Area''.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''Dominguez-Escalante National Conservation Area Advisory Council''.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and

Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

''(I) the Environmental Protection Agency;''; and

(2) in paragraph (4), by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as ''To U.S. Forest Service''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of the United States Released''.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as ''To Bureau of Land Management''.

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of

flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(B) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(B) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the

end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).''; and

(C) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

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

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 25 acres of Bureau of Land Management land identified on the map as ''Lands to be conveyed to Turnabout Ranch''.

(2) MAP.—The term ''map'' means the map entitled ''Turnabout Ranch Conveyance'' dated May 12, 2006, and on file in the office of

the Director of the Bureau of Land Management.

(3) MONUMENT.—The term ''Monument'' means the Grand Staircase-Escalante National Monument located in southern Utah.

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

(5) TURNABOUT RANCH.—The term ''Turnabout Ranch'' means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act(43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

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

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term ''public land'' means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled ''Douglas County Public Utility District Proposal'' and dated March 2, 2006.

(2) PUD.—The term ''PUD'' means the Public Utility District No. 1 of Douglas County, Washington.

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

(4) WELLS HYDROELECTRIC PROJECT.—The term ''Wells Hydroelectric Project'' means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as ''Land to be conveyed to Twin Falls'' on the map titled ''Twin Falls Land Conveyance'' and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file

and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled ''Sunrise Mountain ISA Release Areas'' and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term ''railroad lands'' means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term ''Wyoming Range Withdrawal Area'' means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled ''Wyoming Range Withdrawal Area'' and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the

land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Jefferson County, Montana.

(2) MAP.—The term ''map'' means the map that is—

(A) entitled ''Elkhorn Cemetery'';

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ''Elkhorn Cemetery'', as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term ''Claim'' means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term ''Claimants'' means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term ''Federal land'' means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term ''survey'' means the survey plat entitled ''Boundary Survey and

Conservation Easement Plat'', prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term ''Federal land'' means the land under the jurisdiction of the Secretary identified on the map as ''Shooting Range Special Use Permit Area''.

(3) MAP.—The term ''map'' means the map entitled ''Bountiful City Land Consolidation Act'' and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term ''land designated for exclusion'' means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled ''Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho'' and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term ''land designated for inclusion'' means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled ''Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW'' and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term ''wilderness area'' means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

(1) in paragraph (1), by inserting ''3,'' after ''sections''; and

(2) in the first sentence of paragraph (4), by inserting '', as a condition of the conveyance,'' before ''remain''.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

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

SEC. 3402. DEFINITIONS.

In this subtitle:

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

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

(3) STUDY AREA.—

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

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

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

(A) that is located within the study area;

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

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

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

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

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

(2) complete a report that—

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

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

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

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

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

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

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

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

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

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

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

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) FUND.—The term ''Fund'' means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) PROGRAM.—The term ''program'' means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) PROPOSAL.—The term ''proposal'' means a collaborative forest landscape restoration proposal described in section 4003(b).

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

(5) STRATEGY.—The term ''strategy'' means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Collaborative Forest Landscape Restoration Fund'', to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land

for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of $4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

''(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

''(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.''.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORT TITLE.—This section may be cited as the ''Craig Thomas Snake Headwaters Legacy Act of 2008''.

(b) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

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

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

''(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

''(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

''(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

''(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

''(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

''(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

''(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

''(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

''(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

''(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

''(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

''(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

''(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

''(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

''(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

''(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

''(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

''(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

''(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

''(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

''(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

''(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

''(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

''(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

''(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

''(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

''(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

''(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

''(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

''(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

''(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.''.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

''(206) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

''(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

''(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

''(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

''(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.''.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the ''Secretary'') determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by

section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.''.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

''(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

''(B) submit a report describing the results of that study to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(27) ARIZONA NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled 'Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.''.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

''(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.''.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall consider the actions outlined in the Trail Management Blueprint described in the report titled the ''Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment'', prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term ''Ice Age floods'' or ''floods'' means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term ''plan'' means the cooperative management and interpretation plan authorized under subsection (f)(5).

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

(4) TRAIL.—The term ''Trail'' means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled ''Ice Age Floods National Geologic Trail,'' numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or nonprofit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled ''Ice Age Floods, Study of Alternatives and Environmental Assessment'' (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

''(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

''(i) other Federal, State, tribal, regional, and local agencies; and

''(ii) the private sector.

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

''(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

''(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

''(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

''(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

''(i) The Benge and Bell routes.

''(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

''(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).''.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: ''No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.''.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

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

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

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

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

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be

limited to an average of not more than ¼ mile on either side of the trail.''.

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

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

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

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

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

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

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

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

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

''(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

''(2) REQUIREMENTS FOR REVISION.—

''(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

''(3) OREGON NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) Whitman Mission route.

''(ii) Upper Columbia River.

''(iii) Cowlitz River route.

''(iv) Meek cutoff.

''(v) Free Emigrant Road.

''(vi) North Alternate Oregon Trail.

''(vii) Goodale's cutoff.

''(viii) North Side alternate route.

''(ix) Cutoff to Barlow road.

''(x) Naches Pass Trail.

''(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

''(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

''(44) CHISHOLM TRAIL.—

''(A) IN GENERAL.—The Chisholm Trail (also known as the 'Abilene Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

''(45) GREAT WESTERN TRAIL.—

''(A) IN GENERAL.—The Great Western Trail (also known as the 'Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.''.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term ''affected stakeholder'' means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ''grant recipient'' means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ''program'' means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

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

(5) WATERSHED GROUP.—The term ''watershed group'' means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term ''watershed management project'' means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''Cooperative Watershed Management Program'', under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of $1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) $100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water;

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

''(e) COMPETITIVE STATUS.—

''(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

''(2) REDESIGNATION OF CERTAIN POSITIONS.—

''(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

''(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

''(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

''(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.''.

Subtitle C—Management of the Baca National Wildlife Refuge

SEC. 6201. BACA NATIONAL WILDLIFE REFUGE.

Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh–4) is amended—

(1) in subsection (a)—

(A) by striking ''(a) ESTABLISHMENT.—(1) When'' and inserting the following:

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—When'';

(B) in paragraph (2), by striking ''(2) Such establishment'' and inserting the following:

''(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)''; and

(C) by adding at the end the following:

''(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.'';

(2) in subsection (c)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

''(A) emphasize migratory bird conservation; and

''(B) take into consideration the role of the Refuge in broader landscape conservation efforts.''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.''.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term ''Indian Land'' means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and

the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who

furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) CORPORATION.—The term ''Corporation'' means the King Cove Corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) MAP.—The term ''map'' means each of—

(A) the map entitled ''Izembek and Alaska Peninsula National Wildlife Refuges'' and dated September 2, 2008; and

(B) the map entitled ''Sitkinak Island–Alaska Maritime National Wildlife Refuge'' and dated September 2, 2008.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) REFUGE.—The term ''Refuge'' means the Izembek National Wildlife Refuge.

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

(7) STATE.—The term ''State'' means the State of Alaska.

(8) TRIBE.—The term ''Tribe'' means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled ''Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision'' and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6501. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term ''livestock'' means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term ''program'' means the demonstration program established under section 6502(a).

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6503. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Paterson, New Jersey.

(2) COMMISSION.—The term ''Commission'' means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ''Historic District'' means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Park developed under subsection (d).

(5) MAP.—The term ''Map'' means the map entitled ''Paterson Great Falls National Historical Park–Proposed Boundary'', numbered T03/80,001, and dated May 2008.

(6) PARK.—The term ''Park'' means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

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

(8) STATE.—The term ''State'' means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the ''Paterson Great Falls National Historical Park''.

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or, disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the

Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Paterson Great Falls National Historical Park Advisory Commission''.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the ''President William Jefferson Clinton Birthplace Home National Historic Site''.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the ''River Raisin National Battlefield Park'' (referred to in this section as the ''Park'').

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking ''$4'' and inserting ''$1''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(B) by striking ''$3,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (b), by striking ''$100,000'' and all that follows through ''those duties'' and inserting ''$250,000''.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking ''contiguous to'' and all that follows and inserting ''within Fairfield County.'';

(2) by amending paragraph (2) to read as follows:

''(2) DEVELOPMENT.—

''(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary's acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).''; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking ''the appropriate zoning authority'' and all that follows through ''Wilton, Connecticut,'' and inserting ''the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)''.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking ''The Preserve'' and inserting the following:

''(1) IN GENERAL.—The Preserve''; and

(B) by adding at the end the following:

''(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled 'Little River Canyon National Preserve Proposed Boundary', numbered 152/80,004, and dated December 2007.''; and

(2) in subsection (c), by striking ''map'' and inserting ''maps''.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled ''An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio'', approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking ''and'' at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting ''; and'';

(3) by adding after subsection (a)(4) the following new paragraph:

''(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006.''; and

(4) by adding after subsection (d)(2) the following new paragraph:

''(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.''.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as 'Lands Proposed for Addition' may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

''(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

''(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as 'Lands Proposed for Addition' is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.'';

(B) in the second sentence, by striking ''The Secretary may also acquire by any of the foregoing methods'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.

''(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

''(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

''(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.''; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting ''(or January 1, 2007, for areas added to the park after that date)'' after ''January 1, 1977''.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking '', except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''on land, and interests in land and water managed by the Secretary, except that the Secretary''.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(B) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Minute Man National Historical Park Proposed Boundary'', numbered 406/81001, and dated July 2007.

(2) PARK.—The term ''Park'' means the Minute Man National Historical Park in the State of Massachusetts.

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

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term ''Hurricane Hole'' means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term ''map'' means the map entitled ''Proposed Tarpon Basin Boundary Revision'', numbered 160/80,012, and dated May 2008.

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

(D) TARPON BASIN PROPERTY.—The term ''Tarpon Basin property'' means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term ''Company'' means Florida Power & Light Company.

(B) FEDERAL LAND.—The term ''Federal Land'' means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term ''map'' means the map prepared by the National Park Service, entitled ''Proposed Land Exchanges, Everglades National Park'', numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term ''National Park'' means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as ''Tract D''.

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

(G) STATE.—The term ''State'' means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract A''.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as ''Tract D'', and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract B'', along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

''(3) AGREEMENTS.—

''(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means—

''(i) the Commonwealth of Massachusetts;

''(ii) a political subdivision of the Commonwealth of Massachusetts; or

''(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

''(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

''(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

''(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

''(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

''(i) appropriations for carrying out the purposes of the agreement are available; and

''(ii) the agreement is in the best interests of the United States.''.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking ''Coast Guard'' and inserting ''Coast Guard.''.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking ''Nothwithstanding'' and inserting ''Notwithstanding''.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the ''Historical Park'').

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the ''Secretary'') for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the ''Thomas Edison National Historical Park'', numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,'' approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Edison National Historic Site'' shall be deemed to be a reference to the ''Thomas Edison National Historical Park''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 410ll) is amended by adding at the end the following:

''SEC. 1602. VOTES FOR WOMEN TRAIL.

''(a) DEFINITIONS.—In this section:

''(1) PARK.—The term 'Park' means the Women's Rights National Historical Park established by section 1601.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

''(3) STATE.—The term 'State' means the State of New York.

''(4) TRAIL.—The term 'Trail' means the Votes for Women History Trail Route designated under subsection (b).

''(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the 'Votes for Women History Trail Route', to link properties in the State that are historically and thematically associated with the struggle for women's suffrage in the United States.

''(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

''(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

''(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

''(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

''(3) create and adopt an official, uniform symbol or device to mark the Trail; and

''(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

''(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

''(1) all units and programs of the Park relating to the struggle for women's suffrage;

''(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

''(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women's suffrage.

''(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

''(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).''.

(b) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made

available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''historic site'' means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term ''map'' means the map entitled ''Boundary Map, Martin Van Buren National Historic Site'', numbered ''460/80801'', and dated January 2005.

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

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the ''PROPOSED PARK BOUNDARY'', as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the ''Palo Alto Battlefield National Historical Park''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

(B) in the heading for section 3, by striking ''national historic site'' and inserting ''national historical park''; and

(C) by striking ''historic site'' each place it appears and inserting ''historical park''.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking ''(1) The historical park'' and inserting the following:

''(1) IN GENERAL.—The historical park'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL LAND.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.''; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking ''(3) Within'' and inserting the following:

''(3) LEGAL DESCRIPTION.—Not later than''; and

(B) in the second sentence, by striking ''map referred to in paragraph (1)'' and inserting ''maps referred to in paragraphs (1) and (2)''.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the ''Abraham Lincoln Birthplace National Historical Park''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the ''Abraham Lincoln Birthplace National Historical Park''.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking ''may'' and inserting ''shall''.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking ''Gaylord A. Nelson'' and inserting ''Gaylord Nelson''; and

(B) in subsection (c)(4), by striking ''Gaylord A. Nelson Wilderness'' and inserting ''Gaylord Nelson Wilderness''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Gaylord A. Nelson Wilderness'' shall be deemed to be a reference to the ''Gaylord Nelson Wilderness''.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking ''the George Washington Memorial Parkway'' and inserting ''Arlington House, The Robert E. Lee Memorial,''.

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking ''numbered 640/20,038I, and dated September 2004'' and inserting ''numbered 640/20,038K, and dated September 2005''.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking ''numbered 110/80,044, and dated July 2004'' and inserting ''numbered 110/80,045, and dated January 2005''.

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting ''Natural'' before ''Resources'';

(2) in section 8904(b), by inserting ''Advisory'' before ''Commission''; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting ''Advisory'' before ''Commission''; and

(B) in the second sentence, by striking ''House Administration'' and inserting ''Natural Resources''.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking ''The John Smith'' and inserting ''The Captain John Smith''.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking ''under section 605''.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking ''section 6(a)'' and inserting ''section 806(a)''.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting ''duties'' before ''of the''.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110–229; 122 Stat. 827) is amended by striking ''Cayohoga'' each place it appears and inserting ''Cuyahoga''.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking ''map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441'' and inserting ''map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the ''Pennsylvania Avenue National Historic Site''.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

''(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

''(1) Hawthorn Hill, Oakwood, Ohio.

''(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.''.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting ''Hawthorn Hill, the Wright Company factory,'' after '', acquire'';

(2) in subsection (b), by striking ''Such agreements'' and inserting:

''(d) CONDITIONS.—Cooperative agreements under this section'';

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

''(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.''; and

(4) by striking ''Commission'' and inserting ''Aviation Heritage Foundation''.

(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.''.

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking ''104'' and inserting ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking ''the Secretary of the Interior'' and inserting ''(a) The Secretary of the Interior'';

(B) by striking ''476 acres'' and inserting ''646 acres''; and

(C) by adding at the end the following:

''(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.''.

(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Walnut Canyon Proposed Study Area'' and dated July 17, 2007.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term ''study area'' means the area identified on the map as the ''Walnut Canyon Proposed Study Area''.

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;.

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the ''site'') to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the ''birthplace site'') in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the ''Matewan Massacre'') of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study along the route known as the ''Ox-Bow Route'' of the Butterfield Overland Trail (referred to in this section as the ''route'') in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

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

(3) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the ''Cold War Advisory Committee'', to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term ''Fort San Gerónimo'' (also known as ''Fortín de San Gerónimo del Boquerón'') means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term ''related resources'' means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term ''Battlefield Report'' means the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government.

(C) ELIGIBLE SITE.—The term ''eligible site'' means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under subsection (c)(1).

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a

grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking ''2009'' and inserting ''2019''.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is

amended by striking ''ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996'' and inserting ''on December 31, 2018''.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking ''2008'' and inserting ''2018''.

SEC. 7403. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16. U.S.C. 463(f)), is amended in the first sentence by striking ''2009'' and inserting ''2010''.

SEC. 7404. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking ''2008'' and inserting ''2009''.

SEC. 7405. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term ''Commission'' means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State.

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

(5) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Florida.

(B) INCLUSION.—The term ''State'' includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''St. Augustine 450th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term ''map'' means the map entitled ''Proposed Sangre De Cristo National Heritage Area'' and dated November 2005.

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

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

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term ''map'' means the map entitled ''Cache La Poudre River National Heritage Area'', numbered 960/80,003, and dated April, 2004.

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

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

(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''South Park National Heritage Area Map (Proposed)'', dated January 30, 2006.

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

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

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

(9) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

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

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of

any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Baltimore National Heritage Area'', numbered T10/80,000, and dated October 2007.

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

(6) STATE.—The term ''State'' means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Freedom's Way National Heritage Area'', numbered T04/80,000, and dated July 2007.

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

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

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

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the

State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''Mississippi Delta National Heritage Area'', numbered T13/80,000, and dated April 2008.

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

(7) STATE.—The term ''State'' means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Muscle Shoals National Heritage Area'', numbered T08/80,000, and dated October 2007.

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term ''map'' means the map entitled ''Proposed Kenai Mountains-Turnagain Arm NHA'' and dated August 7, 2007.

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

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use

plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term ''Corridor'' means the Chattahoochee Trace National Heritage Corridor.

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

(3) STUDY AREA.—The term ''study area'' means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled ''Chattahoochee Trace National Heritage Corridor, Alabama/Georgia'', numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term ''proposed Heritage Area'' means the proposed Northern Neck National Heritage Area.

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

(3) STUDY AREA.—The term ''study area'' means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if

the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

''(c) EVALUATION; REPORT.—

''(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

''(A) conduct an evaluation of the accomplishments of the Corridor; and

''(B) prepare a report in accordance with paragraph (3).

''(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

''(A) assess the progress of the management entity with respect to—

''(i) accomplishing the purposes of this title for the Corridor; and

''(ii) achieving the goals and objectives of the management plan for the Corridor;

''(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

''(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

''(3) REPORT.—

''(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

''(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

''(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

''(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

''(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

''(i) the Committee on Energy and Natural Resources of the Senate; and

''(ii) the Committee on Natural Resources of the House of Representatives.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—The Commission''; and

(B) by adding at the end the following:

''(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

''(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

''(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

''(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.'';

(2) in section 10—

(A) in the first sentence of subsection (c), by striking ''shall assist the Commission'' and inserting ''shall, on the request of the Corporation, assist'';

(B) in subsection (d)—

(i) by striking ''Commission'' each place it appears and inserting ''Corporation'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

''(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

''(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

''(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.''; and

(C) by adding at the end the following:

''(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

''(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

''(2) coordination regarding the implementation of the Plan.'';

(3) in section 11, in the matter preceding paragraph (1), by striking ''directly affecting'';

(4) in section 12—

(A) in subsection (a), by striking ''Commission'' each place it appears and inserting ''Corporation'';

(B) in subsection (c)(1), by striking ''2007'' and inserting ''2012''; and

(C) by adding at the end the following:

''(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.''; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;''.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''27'' and inserting ''at least 21 members, but not more than 27'';

(ii) in paragraph (2), by striking ''Environment'' and inserting ''Environmental''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''19'';

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

''(C) The remaining members shall be—

''(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

''(ii) persons that are residents of, or employed within, the applicable congressional districts.'';

(B) in subsection (f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the serving Commissioners'';

(C) in subsection (g), by striking ''14 of its members'' and inserting ''a majority of the serving Commissioners'';

(D) in subsection (h), by striking paragraph (4) and inserting the following:

''(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

''(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;''; and

(E) in subsection (j), by striking ''10 years'' and inserting ''15 years'';

(2) in section 807—

(A) in subsection (e), by striking ''with regard to the preparation and approval of the Canalway Plan''; and

(B) by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, by striking ''any fiscal year'' and inserting ''any fiscal year, to remain available until expended''.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking ''shall be the the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term ''appraisal report'' means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term ''principles and guidelines'' means the report entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies'' issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

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

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as ''Secretary''), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term ''Project'' means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

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

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

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

(4) TOTAL COST.—The term ''total cost'' means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term ''Authority'' means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term ''engineering report'' means the report entitled ''Eastern New Mexico Rural Water System Preliminary Engineering Report'' and dated October 2006.

(3) PLAN.—The term ''plan'' means the operation, maintenance, and replacement plan required by subsection (c)(2).

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

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

(6) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes the major components and associated infrastructure identified as the ''Best Technical Alternative'' in the engineering report.

(7) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CAILFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

''Sec. 1649. Rancho California Water District Project, California.''.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term ''assessment'' means the engineering document that is—

(A) entitled ''Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation'';

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) PROJECT.—The term ''Project'' means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

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

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term ''2004 Agreement'' means the agreement entitled ''Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico'' and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term ''designated engineer'' means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term ''District'' means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term ''Pueblo irrigation infrastructure'' means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term ''Rio Grande Pueblo'' means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the

Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term ''Six Middle Rio Grande Pueblos'' means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term ''special project'' has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term ''State'' means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) REQUIRED CONSENT.—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting '', rehabilitation, and repair'' after ''and replacement''; and

(2) in paragraph (6), by inserting ''those for protection of critical habitat, those for preventing entrainment of fish in water diversions,'' after ''instream flows,''.

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$61,000,000'' and inserting ''$88,000,000'';

(B) in paragraph (2), by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (3), by striking ''2010'' and inserting ''2023'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''$126,000,000'' and inserting ''$209,000,000'';

(B) in paragraph (1)—

(i) by striking ''$108,000,000'' and inserting ''$179,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (2)—

(i) by striking ''$18,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(3) in subsection (c)(4), by striking ''$31,000,000'' and inserting ''$87,000,000''.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term ''Project'' means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

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

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of $500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

"SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

''(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,500,000.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

''Sec. 1650. Elsinore Valley Municipal Water District Projects, California.''.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

"SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

''(A) Marin County;

''(B) Napa County;

''(C) Solano County; or

''(D) Sonoma County.

''(2) WATER RECLAMATION AND REUSE PROJECT.—The term 'water reclamation and reuse project' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

''(A) water quality improvement;

''(B) wastewater treatment;

''(C) water reclamation and reuse;

''(D) groundwater recharge and protection;

''(E) surface water augmentation; or

''(F) other related improvements.

''(3) STATE.—The term 'State' means the State of California.

''(b) NORTH BAY WATER REUSE PROGRAM.—

''(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

''(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

''(A) non-Federal entities; and

''(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

''(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

''(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

''(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

''(4) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

''(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

''(ii) the acquisition costs of land acquired for the project that is—

''(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

''(II) owned by an eligible entity and directly related to the project.

''(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(5) EFFECT.—Nothing in this section—

''(A) affects or preempts—

''(i) State water law; or

''(ii) an interstate compact relating to the allocation of water; or

''(B) confers on any non-Federal entity the ability to exercise any Federal right to—

''(i) the water of a stream; or

''(ii) any groundwater resource.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

''Sec. 1651. North Bay water reuse program.''.

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

''SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

''1652. Prado Basin Natural Treatment System Project.''.

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

''SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

''1653. Lower Chino dairy area desalination demonstration and reclamation project.''.

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amended—

(1) in the section heading, by striking the words ''**phase 1 of the**''; and

(2) in subsection (a), by striking ''phase 1 of''.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term ''Project'' means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term ''Project'' includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

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

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) $26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) $26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

''SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the following:

''(1) The operations and maintenance of the project described in subsection (a).

''(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

''Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.''.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

''SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

''Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

''Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.''.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the

second sentence of subsection (c) by inserting after ''cost thereof,'' the following: ''or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,''.

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

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

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

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

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

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

''(3) ARKANSAS VALLEY CONDUIT.—

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

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

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

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

''SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

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

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

Subtitle C—Title Transfers and Clarifications

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the agreement numbered 06–AG–60–2115 and entitled ''Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma''.

(2) AUTHORITY.—The term ''Authority'' means the McGee Creek Authority located in Oklahoma City, Oklahoma.

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

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0–07–50–X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly

right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 07–LC–20–9387 between the United States and the District, entitled ''Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District''.

(2) DISTRICT.—The term ''District'' means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term ''Goleta Water Distribution System'' means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

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

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

''(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

''(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

''(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.'';

(2) in subsection (a), by adding at the end the following:

''(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.''; and

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

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

''(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.''.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term ''Lower Colorado River Multi-Species Conservation Program'' or ''LCR MSCP'' means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) PROGRAM DOCUMENTS.—The term ''Program Documents'' means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

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

(5) STATE.—The term ''State'' means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) IN GENERAL.—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) JURISDICTION.—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) UNITED STATES AS DEFENDANT.—

(1) IN GENERAL.—The United States or any agency of the United States may be named as a defendant in such actions.

(2) SOVEREIGN IMMUNITY.—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) NONWAIVER FOR CERTAIN CLAIMS.—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) RIGHTS UNDER FEDERAL AND STATE LAW.—

(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) VENUE.—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) NON-REIMBURSABLE AND NON-RETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

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

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term ''assessment program'' means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) CLIMATE DIVISION.—The term ''climate division'' means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term ''Federal Power Marketing Administration'' means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term ''hydrologic accounting unit'' means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term ''major aquifer system'' means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term ''major reclamation river basin'' means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term ''major reclamation river basin'' includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term ''non-Federal participant'' means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term ''panel'' means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) PROGRAM.—The term ''program'' means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Secretary'' means the Secretary of the Interior.

(B) EXCEPTIONS.—The term ''Secretary'' means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term ''service area'' means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of

the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to

carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and

other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the ''national water availability and use assessment program''—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601 DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term ''inspection'' means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term ''project facility'' means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term ''reserved works'' mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term ''transferred works'' means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating

entity'' means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term ''extraordinary operation and maintenance work'' means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the ''San Joaquin River Restoration Settlement Act''.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms ''Friant Division long-term contractors'', ''Interim Flows'', ''Restoration Flows'', ''Recovered Water Account'', ''Restoration Goal'', and ''Water Management Goal'' have the meanings given the terms in the Settlement.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Settlement'' means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such

acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) $88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(2) ADDITIONAL AMOUNTS.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a

groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term ''environmental review'' includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) AVAILABILITY.—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the

Treasury Rate; provided, that such charge shall not be reduced to less than $4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102–575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, ''Treasury Rate'' shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160–05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the ''Secretary'') is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) AUTHORIZATION.—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated $50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the ''Northwestern New Mexico Rural Water Projects Act''.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) AAMODT ADJUDICATION.—The term ''Aamodt adjudication'' means the general stream adjudication that is the subject of the civil action entitled ''State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.'', No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term ''Abeyta adjudication'' means the general stream adjudication that is the subject of the civil actions entitled ''State of New Mexico v. Abeyta and State of New Mexico v. Arrellano'', Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(4) AGREEMENT.—The term ''Agreement'' means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) ALLOTTEE.—The term ''allottee'' means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) CITY.—The term ''City'' means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term ''Colorado River Compact'' means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term ''Colorado River System'' has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) COMPACT.—The term ''Compact'' means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term ''Contract'' means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term ''depletion'' means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term ''Draft Impact Statement'' means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term ''Fund'' means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term ''hydrologic determination'' means the hydrologic determination entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term ''Lower Basin'' has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term ''Nation'' means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ''Navajo-Gallup Water Supply Project'' or ''Project'' means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term ''Navajo Indian Irrigation Project'' means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term ''Navajo Reservoir'' means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' or ''Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term ''Project Participants'' means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term ''San Juan River Basin Recovery Implementation Program'' means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term ''stream adjudication'' means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term ''Supplemental Partial Final Decree'' means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term ''Trust Fund'' means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term ''Upper Basin'' has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620(2)) is amended by inserting ''the Navajo-Gallup Water Supply Project,'' after ''Fruitland Mesa,''.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

''SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

''(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

''(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(B) Notwithstanding any other provision of law—

''(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

''(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

''(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

''(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

''(2) the contract executed under section 10604(a)(2)(B) of that Act; and

''(3) any other applicable law.

''(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

''(2) other nonirrigation purposes authorized under subsection (c) or (d).

''(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

''(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

''(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

''(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

''(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ''Colorado River Basin Project Act'') (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Reclamation Water Settlements Fund'', consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed $250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled ''In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana'', if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478);

(B) LIMITATION.—Notwithstanding subparagraph (B), no water diverted by the Project shall be accounted for pursuant to subparagraph (B) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(B); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(B) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the ''Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin'' as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo

Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) EXPIRATION.—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) LIMITATION.—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 10608 $11,000,000 for the period of fiscal years 2009 through 2019.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Navajo Nation Water Resources Development Trust Fund'', consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2010 through 2014; and

(2) $4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) CLAIMS BY THE NATION AND THE UNITED STATES.—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) RESERVATION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) DEADLINE.—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River'' and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term ''Development Fund'' means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) RESERVATION.—The term ''Reservation'' means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

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

(7) STATE.—The term ''State'' means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term ''upstream water user'' means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term ''Funds'' means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Water Rights Development Fund''.

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Operation and Maintenance Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the

Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976''), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ''homeland and'' after ''planning for'';

(B) in subparagraph (E), by striking ''predicting'' and inserting ''identifying'';

(C) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ''and management'' before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ''not later than'' and all that follows through the semicolon and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;'';

(2) in subparagraph (B), by striking ''not later than'' and all that follows through ''in accordance'' and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking ''not later than'' and all that follows through ''submit'' and inserting ''submit biennially''.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(III) the needs of land management agencies of the Department of the Interior.''.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting ''the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,'' after ''Administrator of the Environmental Protection Agency or a designee,'';

(ii) by inserting ''and'' after ''Energy or a designee,''; and

(iii) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(B) in paragraph (3)—

(i) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(ii) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(iii) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially''.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2009 through 2018.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the ''Secretary''), in coordination with the State of New Mexico (referred to in this section as the ''State'') and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

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

SEC. 12002. PROGRAM ESTABLISHED.

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

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

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

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

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

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

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

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

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

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

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

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

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

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

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

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

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

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

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

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

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

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

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

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

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

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

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

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

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the ''NOAA Undersea Research Program Act of 2009''.

SEC. 12102. PROGRAM ESTABLISHED.

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

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

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

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

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

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

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

SEC. 12104. ADMINISTRATIVE STRUCTURE.

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

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

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

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

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

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

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

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

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

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

SEC. 12106. COMPETITIVENESS.

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

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—
(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—
(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—
(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—
(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—
(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—
(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—
(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and
(B) $9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the ''Ocean and Coastal Mapping Integration Act''.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be colocated with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

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

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

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

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

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

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 12304(c)(2).

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

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

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to

fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

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

SEC. 12307. REPORT TO CONGRESS.

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

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2009'' or the ''FOARAM Act''.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

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

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) $8,000,000 for fiscal year 2009;

(2) $12,000,000 for fiscal year 2010;

(3) $15,000,000 for fiscal year 2011; and

(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) $6,000,000 for fiscal year 2009;

(2) $8,000,000 for fiscal year 2010;

(3) $12,000,000 for fiscal year 2011; and

(4) $15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the ''Coastal and Estuarine Land Conservation Program Act''.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

''AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

''SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

''(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

''(1) a Coastal Zone Management Plan or Program approved under this title;

''(2) a National Estuarine Research Reserve management plan;

''(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

''(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

''(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

''(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

''(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

''(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

''(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

''(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

''(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

''(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

''(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

''(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

''(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

''(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

''(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

''(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

''(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

''(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

''(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

''(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

''(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

''(f) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

''(2) COST SHARE REQUIREMENT.—

''(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

''(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

''(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

''(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

''(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

''(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

''(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

''(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

''(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

''(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

''(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

''(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

''(1) such assurances as the Secretary may require that—

''(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

''(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

''(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

''(2) certification that the property (including any interest in land) will be acquired from a willing seller.

''(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

''(k) DEFINITIONS.—In this section:

''(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

''(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2009 through 2013.''.

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

''SEC. 26. NORTH DAKOTA TRUST FUNDS.

''(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

''(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).''.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

''SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

''(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

''(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.''.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled ''A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date'' and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the

Program shall be credited toward the non-Federal share of the costs of the project.''.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting '' 2009 through 2015''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

''(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

''(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).''.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''7 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Energy (7)'' and inserting ''Assistant Secretaries of Energy (8)''.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term ''Institute'' means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term ''map'' means the map entitled ''Lovelace Respiratory Research Institute Land Conveyance'' and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as ''Parcel A'' on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as ''Parcel B'' on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

''§ 153514. Authorization of appropriations

''(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2008 through 2017.

''(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.''.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there is 4 minutes equally divided between Senators MIKULSKI and ENZI.

Ms. MIKULSKI. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise to urge my colleagues, on a bipartisan basis, to vote for the legislation that is pending, which is the cloture motion on the motion to proceed to the Lilly Ledbetter Act. The reason we are advocating cloture on the motion to proceed is that we do not have to filibuster this bill because we guarantee an open process, that Senators will be able to offer amendments. We will be able to debate with civility and comity, arrive at good ideas, consider all good ideas and so on, so we do not need to filibuster. Second, we do not need to delay. We need to vote for the motion to proceed because that is what the American people are telling us to do. Much is talked about economic stimulus, but if you want to help women, let's start paying them equal pay for equal or comparable work. That is what the Lilly Ledbetter bill will ensure. It will restore the law to the way it was before the Supreme Court decision on Ledbetter v. Goodyear.

One of the objections to the bill is that the Ledbetter bill will trigger lawsuits. Nothing could be further from the truth because it did not trigger, open-ended, millions of lawsuits before the Supreme Court decision.

We need to act. It is great to talk about a stimulus bill, but the real stimulus is paying people for what they do. Madam President, you should know.

This is a very serious bill. I know what my colleagues are talking about is important, but women are waiting for us to act, so Senators, if they could wait a minute, we could move ahead.

The Supreme Court rule is that a pay discrimination lawsuit must be filed with the EEOC within 180 days of the initial decision to pay her less than men performing similar acts.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here. I found the way things happen is, if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Mr. ENZI. I think the Senator's time expired.

The PRESIDING OFFICER. The Senator's time had expired.

Ms. MIKULSKI. Madam President, first of all, I, of course, want to proceed in the spirit of comity. I lost my time because this place was so noisy. I couldn't talk because everybody else was talking. Frankly, I will be happy for my colleague to speak, but I am going to ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Madam President, reserving the right to object, our side would like the additional 4 minutes, then, as well.

The PRESIDING OFFICER. Is there objection? The Senator from Maryland has asked for an additional 4 minutes. Is there objection to that request?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, can we amend the request to allow both sides to have an equal amount of added time?

The PRESIDING OFFICER. That is the request. Is there objection to both sides receiving a total of 6 minutes on this matter.

Mr. CORKER. Reserving the right to object, what will happen to floor time thereafter? Where many of us have time to talk about TARP later on, will we still have that time set aside prior to the TARP vote at 4:30?

The PRESIDING OFFICER. This will take an additional 8 minutes from the time that is allocated for the TARP discussion, prior to the vote that is scheduled at 4:30.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor at the current time.

Ms. MIKULSKI. May I ask the Senator from Wyoming for the ability to ask a unanimous consent request. I do not want to drag out the debate, but I would like to make a few points. What I would like to be able to do, with your concurrence, is just ask for 2 minutes and just have a little bit of say, but you have your 4 minutes.

Mr. ENZI. Madam President, I ask unanimous consent that the Senator from Maryland get an additional 2 minutes and I have 4 minutes.

The PRESIDING OFFICER. Is there objection to each side receiving a total of 4 minutes, an additional 4 minutes from the original? It is the total of an additional 4 minutes on the debate on this matter. Hearing no objection, the Senator from Maryland is recognized for an additional 2 minutes and the Senator from Wyoming will receive 4 minutes at the conclusion of the Senator's remarks.

Ms. MIKULSKI. I thank the Senator from Wyoming. That is the way we will proceed on this bill.

Madam President, we want to be able to proceed to this bill. I assure my colleagues we will have ample debate to consider any and all amendments, but I wish to be very clear that it is time to pass the Lilly Ledbetter bill itself. It is very important that we make sure we keep the courthouse door open for people to be able to file their claims where they believe wage discrimination exists.

Wage discrimination not only affects women, but it affects all who are discriminated against, and it is often minorities. We want to be sure we keep the courthouse door open. What we do is simply restore the law as it existed before the recent Supreme Court decision so that we make sure the statute of limitations runs from the date of the actual payment of a discriminatory wage, not just from the time of hiring. That means employees can sue employers based on each discriminatory act.

I will be yielding the floor, but before I do I am going to say once again—this Senate is not in order. It has been very disturbing and disrupting to stand up for something for which we have all been fighting so hard.

I yield the floor, but I am very frustrated about today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Maryland for her concern and her effort on the bill she has put together. I am going to express my strong support for S. 166, which is the Hutchison alternative. It is our understanding that if we are allowed to proceed, there will be an open amendment process. I guess I am being asked by the leader to allow that to happen once, so that we can see whether it is actually going to happen. But I still wish to register my objection to the process we appear to be going through. I worked for 12 years to make this a more agreeable body, to work across the aisle.

We have moved, the HELP Committee—Health, Education, Labor, and Pensions Committee—from being the most contentious committee to being the most productive committee.

This bill should have gone through the committee process. We solve a lot of things, we shorten the debate on the floor, and we eliminate the need for all of these cloture motions which result in hours and hours of time with no productivity. I think the American people want the productivity, and the reasoning that comes from the committee process that winds up with a very good product. We can have that on the labor issues, but they have to go through committees.

I yield the remainder of my time to the Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Wyoming.

I think it is very important that we deal with this issue on the promise that I will be able to offer my substitute because I believe it is a substitute that gives the right for an aggrieved employee to bring an action within a timeframe that is reasonable for the business to be able to plan.

I am a person who has known discrimination. I am also a former small business owner, and I know the importance of knowing what your liabilities are and having clarity. That is why in the law, in every cause of action, we do have statutes of limitation.

I look forward to debating with my colleague and friend, the Senator from Maryland, to try to come to the right conclusion on a bipartisan basis. I am going to vote for cloture on the promise that we will have an open debate on this issue and try to come to a conclusion.

The Senator from Wyoming makes a good point. For the future, I hope we will listen to what he is saying. Committees work around here. Committees are where you can do markups, where we work in a bipartisan way to make legislation better. We cannot write bills on the Senate floor. In the future, I hope all of us will work toward allowing the committee process to work. Today, we are going to take a leap of faith that we will have the amendments and that we will come to a good conclusion on this bill.

I yield the floor.

Ms. MIKULSKI. Madam President, the Senator from Texas and the Senator from Wyoming and all on the other side of the aisle have the assurance of both myself and the Democratic leadership that those amendments will be offered, and we look forward to a spirited and enthusiastic debate in a quiet Chamber of the Senate.

Mr. LEAHY. Madam Presdient, today, the Judiciary Committee is conducting the confirmation hearing of Mr. Eric Holder to be the next Attorney General of the United States. One of the Justice Department's essential roles in our Federal system of government is to protect the civil rights of all Americans, including those that prohibit discrimination. The Bush administration's erosion of the Equal Employment Opportunity Commission's long held interpretation of our discrimination laws has created a new obstacle for victims of pay discrimination to receive justice. The Justice Department has advocated a position that has set back the progress we had made toward eliminating workplace discrimination. This was a mistake. Unfortunately, five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. That decision necessitates our action here today. We must pass legislation so that employers are not rewarded for deceiving workers about their illegal conduct. Equal pay for equal work should be a given in this country.

I expect we will hear from some opponents of the bill that somehow this legislation will encourage workers who are being paid less as a result of discrimination to delay filing suit for equal pay. This argument defies logic. Anyone who heard Lilly Ledbetter's testimony last year before either the Senate Judiciary Committee or the Senate Heath, Education, Labor and Pensions Committee knows that Ms. Ledbetter, like other victims of pay discrimination, have no incentive to delay filing suit. In the wake of the Supreme Court's decision in Ledbetter, their employers now have a great incentive to delay revealing their discriminatory conduct—blanket immunity. The reality is that many employers do not allow their employees to learn how their compensation compares to their coworkers. Workers like Ms. Ledbetter and their families are the ones hurt by reduced paychecks, not their corporate employers. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on. The bipartisan Ledbetter Fair Pay Restoration Act of 2009 does not disturb the protections built into existing law for employers such as limiting back pay in most cases to 2 years. The legislation does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180 day time limit begins to run. In this way it allows workers who are continuing to be short-changed to challenge that ongoing discrimination when the employer conceals its initial discriminatory pay decision.

Opponents of the Fair Pay Restoration Act will no doubt raise even more absurd reasons for opposing equal pay for equal work. They will no doubt claim that somehow trial lawyers will benefit. The reality is that the Supreme Court's Ledbetter decision could actually lead to more litigation because workers will feel the need to file premature claims so that time does not run out. The Congressional Budget Office has concluded that this legislation ''would not establish a new cause of action for claims of pay discrimination'' and ''would not significantly affect the number of filings with the Equal Employment Opportunity Commission'' or with the Federal courts.

Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin but the Supreme Court's

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

As the executive director of the U.S. Women's Chamber of Commerce recently noted, ''The Fair Pay Restoration Act rewards those who play fair—including women business owners—unlike the Supreme Court's decision, which seems to give an unfair advantage to those who skirt the rules.'' This legislation will encourage all corporations to treat their employees fairly.

Unfortunately, this bipartisan civil rights legislation was filibustered in the last Congress. Considering how deeply the recent economic downturn has affected American families, we cannot afford another filibuster of this common sense legislation. I am pleased to join Senators MIKULSKI, SNOWE, KENNEDY and others in pressing for the immediate passage of the Lilly Ledbetter Fair Pay Restoration Act of 2009.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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. 14, S. 181, the Lilly Ledbetter Fair Pay Act.

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Dianne Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act of 2009, shall be brought to a close? The yeas and nays are mandatory under the rule. This is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The yeas and nays resulted—yeas 72, nays 23, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—72

Akaka	Feinstein	Murkowski
Alexander	Grassley	Murray
Baucus	Gregg	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennett	Hutchison	Reed
Biden	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kerry	Salazar
Boxer	Klobuchar	Sanders
Burr	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Udall (CO)
Collins	Martinez	Udall (NM)
Conrad	McCain	Voinovich
Corker	McCaskill	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feingold	Mikulski	Wyden

NAYS—23

Barrasso	Ensign	Lugar
Brownback	Enzi	Risch
Chambliss	Graham	Roberts
Coburn	Hatch	Sessions
Cochran	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	

NOT VOTING—3

Brown	Bunning	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S.J. Res. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 5) relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 shall be equally divided and controlled.

The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent that the following be the speakers on the Republican side—that no Republican Senator be recognized for more than 10 minutes, and that any remaining time be allocated to Senator VITTER: Senators DEMINT, SESSIONS, CORKER, ENZI for up to 5 minutes, BROWNBACK, INHOFE, GREGG, KYL, SHELBY, BOND for up to 5 minutes, and HUTCHISON for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business and have that time charged to our side as part of the TARP legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

OREGON PUBLIC LANDS

Mr. WYDEN. Madam President, the outdoors is a great passion for the people of Oregon, and it is truly a good day for Oregonians. The Omnibus Public Land Management Act contains protection for a number of our special places, our treasures; in the case of Mount Hood, an Oregon icon that is revered by our people.

I serve as chairman of the Subcommittee on Public Lands and Forests. I know how important these public lands bills are. The fact is, they are of special benefit from a moral perspective. What we are doing is guaranteeing that these beautiful lands can be passed on to future generations. But they also help fuel our economic engine. The reality is, the protection for the great outdoors boosts our effort to promote recreation which is increasingly a major source of employment.

I want to take a few minutes to discuss the five pieces of wilderness legislation I was heavily involved in. Many other Oregonians were as well, countless Oregonians. I also give special thanks to Senator Gordon Smith who contributed mightily to this effort, working with me on this legislation and this package for many years.

The legislation passed includes seven key bills I sponsored. The five that add wilderness include: the Lewis and Clark Mount Hood Wilderness Act of 2007; the Copper Salmon Wilderness Act; the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act; the Oregon Badlands Wilderness Act of 2008; and the Spring Basin Wilderness Act of 2008.

The Lewis and Clark Mount Hood Wilderness Act has been the product of years and years of work to protect a cherished State treasure. More people take pictures of Mount Hood than any other landmark in our State. That is saying something, because Oregon has a lot of breathtaking nature to photograph.

Mount Hood is not just a symbol of our State. It is a monument to the deep connection our people have to their land. This bill is a triumph of environmental protection that wouldn't have been possible without an effort to build a Statewide consensus bringing together thousands of constituent community groups and elected officials who said: We are going to keep fighting for this until Mount Hood gets this added measure of protection.

Our legislation builds on the existing Mount Hood wilderness, adds more Wild and Scenic rivers, and creates a recreation area to allow diverse opportunities for recreation. We protect, under the bill, the lower elevation forests surrounding Mount Hood and our special Columbia River Gorge. The protected areas include scenic vistas, almost 127,000 acres of Wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on 9 free-flowing stretches of river to the National Wild and Scenic River system.

I have a picture of the mountain that illustrates why we Oregonians feel so strongly about wilderness and Mount Hood. Richard L. Kohnstamm, long revered as the crusader who restored the jewel known as Timberline Lodge, is shown here skiing under Illumination Rock. My friend Dick Kohnstamm treasured the wildness of Mount Hood and had the vision of bringing national prominence to Alpine sports on the mountain. Under Dick's guidance, Timberline Lodge was the first ski area in our country to become a National Historic Landmark and to have the Nation's first year-round skiing. We are honored today to name the area in this picture the Richard L. Kohnstamm Memorial Area. It is a fitting legacy to an Oregonian who had remarkable foresight. In public meetings in our State and in letters and phone calls, we heard from over 100 community groups and local governments, from members of our congressional delegation, the Governor and the Bush administration. To say that this has been a labor of love for many would be a gross understatement.

As I have indicated, countless organizations, agencies and interested groups have met to discuss the development of this bill. I want to clarify that wilderness on Mount Hood is very important, it is also important to acknowledge that Highway 35 is an important transportation corridor, connecting Interstate 84, the communities of Hood River County and the Columbia River Gorge to the recreation areas on Mount Hood and US 26. It is part of the National Highway System and a designated freight route as well as a highway facility of statewide importance—the highest designation in Oregon's highway classification system. Highway 35 runs adjacent to the East Fork of the Hood River, which will be protected as a Wild and Scenic Rivers. The Wild and Scenic Rivers designation recognizes the outstanding scenery, recreational opportunities and fish runs of the East Fork of the Hood River. During winter storms when events require emergency repairs to the roads, the designation of the East Fork of Hood River is not intended to impair the ability of the State of Oregon to take necessary steps to operate, maintain, or preserve the state highway in accordance to all environmental laws and processes. In particular, the State of Oregon is considering a number of projects that will address problem locations such as Polallie Creek, White River, and Newton and Clark creeks where floods and debris flows have in the past resulted in temporary closure of the highway. I hope the U.S. Forest Service and Federal Highway Administration will continue working with the State of Oregon to find solutions that will address these problem locations in a manner consistent with the designation of the East Fork as a Wild and Scenic River.

It is my intention that efforts in this legislation to protect the Wild and Scenic East and Middle Forks of the Hood River will not have any significant impact on the operation of the local irrigation districts, including the normal maintenance or repair of existing infrastructure that is legally in use by the irrigation districts at this time.

I am encouraged that the long standing dispute over the Cooper Spur area will near to a close with the passage of this legislation. However, I want to be clear that our intention is that the U.S. Forest Service shall proceed in a timely manner in completing this land exchange. The land exchange should be completed within a total of 16 months. Protecting the clean drinking water in the Crystal Springs watershed is of the utmost importance.

Two other bills in this legislation will protect two unique places on the east side of the Cascades in our State. The Oregon Badlands Wilderness Act of 2008 would designate as Wilderness almost 30,000 acres of the area just east of the Bend known as the Badlands. The legislation will not only magnify the area's magnificent natural attributes, it will cement our region's well-earned reputation as a hub for a wide diversity of outdoor recreation sports. In this economy, that is a prospect that many central Oregon business leaders and citizens enthusiastically support. In central Oregon, people can enjoy almost any kind of outdoor activity—boating and biking and skiing and horseback riding and hunting and riding off-road vehicles and a variety of sports. Environmental protection doesn't have to come at the expense of economic growth. This legislation is a textbook case of proving that theory. It preserves the unique landscapes that bring visitors to the Badlands and will add to the growing value of Bend's brand as being one of the best places in the country to enjoy outdoor recreation, live, work, and raise a family.

It also provides for two land exchanges that will benefit the new wilderness. I would like to specifically provide some background regarding the land exchange with the Central Oregon Irrigation District. The district is an exemplary steward of natural resources in Oregon. Established in 1918, COID provides irrigation water to over 9,000 families across 45,000 acres of productive land in Central Oregon's Deschutes Basin. The district's 700 miles of canals convey water to farmers, ranchers, schools, parks and others in the cities of Bend and Redmond.

The new wilderness area is adjacent to roughly 3.5 miles of canals and laterals owned and operated by the district under an 1891 Federal right of way. As I understand it, this right of way extends 50 feet from the toe of the canal levee to the north and south. This essential right of way provides the district with access to the canals and laterals for routine inspection, maintenance improvements, and emergency repairs. The language in section 1704(e)(3) protects the district's existing rights to the canal, including the rights provided under the 1891 right of way. During our development of this legislation, the boundary of the wilderness area was specifically set back to respect this historic and important right of way.

The Spring Basin Wilderness Act of 2008 would designate approximately 8,600 acres as the Spring Basin Wilderness. Overlooking the John Day Wild and Scenic River, the rolling hills of Spring Basin are famous for their burst of color during the spring wildflower bloom. It boasts canyons and diverse geology that draws more hikers, horseback riders, hunters, and other outdoor enthusiasts.

Also among the bills in this comprehensive legislation is the Copper Salmon Wilderness Act. My bill on this issue protects the headwaters of the north fork of the Elk River. It is a gem known as the Copper Salmon area. It adds 13,700 acres of new Wilderness and designates 9.3 miles of Wild and Scenic rivers. Copper Salmon is one of those places that crystallizes Oregon's reputation as an outdoor paradise. This bill gives crucial protection to the area's wildlife and to the prized salmon and steelhead that attract anglers from across the world. During the last decade, a dedicated group of local conservationists, fishermen, and community leaders have worked passionately to protect this area. It is one of the last intact watersheds on the southwest Oregon coast. It is a very special treasure. Fishermen and hunters are going to come to the Copper Salmon area for generations to come. I am thrilled it has been protected.

Finally, I am pleased to join former Senator Smith on legislation to establish a 23,000-acre Soda Mountain Wilderness in the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act. The protections here help ensure that what we call the Noah's Ark of botanical diversity remains undisturbed and healthy. There has been bipartisan leadership and dedicated work from people within the community. What folks of southern Oregon have shown is that it is possible to come up with a homegrown solution that serves the public interest.

This legislation is a prime example of ranchers and environmentalists sitting down together to work out conflicts in a consensus-oriented fashion. They didn't look to some kind of Washington approach, a one-size-fits-all approach. They said: As ranchers and conservationists, we are going to address this issue of grazing allotments in a thoughtful way. The bill enables conservation organizations to raise additional money they can use to compensate ranchers who voluntarily retire their Federal grazing leases. It also designates a significant amount of new Wilderness within the monument.

Each one of these bills came about because Oregonians said: On the issue that we care so much about, the outdoors and protecting our treasures, we

are going to come to the table from every walk of life—urban and rural, environmentalist and rancher—to say that as a State it is extraordinarily important that we protect our treasures for future generations, and we can do it in a way that will also boost our economic engine at a time when so many Oregonians are hurting and having difficulty paying the bills for the essentials.

I was very proud to have been the lead sponsor of these seven pieces of legislation. But the fact is, the real credit goes to thousands and thousands of Oregonians who pitched in from every corner of the State for years and years, working with myself, with Congressman WALDEN, Congressman BLUMENAUER, and colleagues from the other body. Of course, I recognize Senator SMITH's contribution this afternoon.

Today, Oregonians have something to enjoy, and they can particularly reflect on the fact that so many future generations of our citizens will have something to be able to enjoy in the years ahead.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I would like to speak on the joint resolution that is before us. I would like the Presiding Officer to let me know how much time is available.

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mr. CORKER. OK. Madam President, I wonder if the Chair might let me know when 120 seconds is left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Thank you, Madam President.

I rise today to talk about a very important vote that will take place this afternoon. It is regarding the TARP funding. Many people in our country have come to know it as the financial rescue package, the bailout—a number of different terms. I was a supporter of TARP funding, and based on the information we had at the time, I think that vote I made regarding supporting funding to credit markets was a good vote. This afternoon, we are going to vote on the next tranche of that funding, the next level, another $350 billion in funding.

Let me just say that I have great respect for those who are coming in in this new administration. I have spent a great deal of time—based on the time allotted—talking to Larry Summers. I appreciated the dialog we had last night as a caucus with Rahm Emanuel and Mr. Summers. I spent time talking with Tim Geithner. It is my belief that should he make it through the process of being confirmed, we have a team of people here who I think will be very responsible and will serve our country well. I look forward to working with them in every way I can.

I believe the credit issue, along with the issue we have of housing, is the 90-percent issue our country is dealing with today economically. As a matter of fact, as we look at economic stimulus issues, to me, much of that, candidly, is window dressing. Most of that is wasteful. Most of that is unnecessary. And most of that will do nothing whatsoever to stimulate this economy based on the things that have been put forth today. The credit issue, though, is, in fact, in my opinion, the 90-percent issue we need to solve as a country to really move us ahead. That, combined with doing what is necessary so that housing is stabilized, is of utmost importance.

So that puts me in a very big dilemma today as it relates to this vote at 4:30. We have had several months now to understand what is happening in the credit markets and to understand what the problem is. I know our Secretary today, the Secretary of Treasury, Mr. Paulson, has, in many ways, had to go about this in an ad hoc way. I do not say that to criticize. He was faced with a problem. He had to move through it. He had to make decisions and try to solve problems as he saw them.

But now, today, several months later, we have a more full understanding of the problem. The issue I have today with this vote—and I urge the incoming administration to solve this problem before the 4:30 vote—is I would like for them to tell us, to diagnose the problem, to tell the American people what the problem is in our credit markets and then to tell all of us what they are going to do with the $350 billion that is now being sought. I know they are not yet in office. I have had very good conversations with them. But I do think it is incumbent upon them to tell us what the problem is and how they are going to solve it.

I think there are hundreds of billions of dollars of losses left in our banking system. My guess is it exceeds trillions, it exceeds $1 trillion. The problem is that most banks in our country that hold whole loans—not the derivatives that are mark to market but whole loans—are sort of metering out their losses. Each quarter, they write down just a little bit more based on the loan losses they are seeing in a particular category. They know hundreds of billions of dollars are coming, and what they are doing is taking our U.S. taxpayer dollars—I might say, intelligently for their self-interest—they are hoarding those dollars because they know there are massive losses that are coming down the road.

The best way to solve this problem would be for us to recognize that, to get down to that level today, which would mean serious recapitalizations, and then build back from a base that is real. But right now, our banking system is operating almost like a zombie. There are losses that are coming that they know they have to recognize. They are not willing to do that. So we are in this period of time where basically U.S. tax dollars are, in many ways, being frittered away because we are investing in these companies, and then they are using those because they know of the losses that are coming. So I would like for the administration to state that they know that, and I would like for the administration to come forth with a plan that solves that predicament that is going to be with us for many years. I want to work with them. Whether I vote this afternoon for TARP or not—and unless they come forward publicly—it does not even have to be done legislatively—if they will come forth publicly and define the problem and tell us how they are going to spend the money, it is possible I will support this. I want to work with them in this regard. I hope that will be forthcoming.

We spent a lot of time on the automotive debate. All of us came together, and we diagnosed the problem. We laid out what the problem was, and we actually put forth a solution. We debated that, and unfortunately we did not get it done. But the fact is, the American public and all of us in the Senate understood what that problem was, and then we talked about a precise and prescribed way of solving that problem. That is exactly the thing that needs to take place as it relates to this issue.

One of the things I think we have to understand as a country: There is going to be less lending. Trying to force people to make loans in a climate when our society is overleveraged is not responsible. The fact is, there needs to be less lending, which brings me to the next point. We have to acknowledge in this country that many banks are going to fail. Many banks are unnecessary. One of the greatest fallacies of what has occurred over the last several months—and I say that with no criticism but just as an observation—is that we are unwilling to let bad banks fail. Because of what we are doing today, we again are wasting taxpayer money, in combination with the fact that regulators are on the ground, both at the FDIC and the OCC—again, well-intentioned people who are creating a self-fulfilling prophecy in our States by virtue of the fact that they are forcing banks to do things that are not in the best interests of this economy.

So let me say, I want to support solving this credit problem. I want the administration to come forth and explain to us as a country and us as a Senate their perception of what the problem is and their prescription for solving it; otherwise, what we are doing today, with huge amounts of taxpayer money, is treating the symptoms, we are not treating the core problem that exists in our credit markets. We are not doing that.

I think today probably this TARP funding will pass. I hope the administration will come forth.

There is 2 minutes remaining. Thank you, Madam President.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. CORKER. One hundred twenty seconds. Thank you.

I think this probably will pass this afternoon. Again, I am hoping that over the next 3 hours this administration will come forward and say publicly the things I have asked to be said. I do not criticize them if they do not. I just need to know what we are going to do on behalf of the taxpayers I represent in the State of Tennessee.

But I want to say to them that even if this passes today and they continue on the route we have been, I know they are going to come back. They are going to come back and they are going to ask for more money because on the route we are going right now, we are not going to solve the problem and it is going to continue. This is what I think will occur.

What I want to say to them—to the new President, who will be sworn in next week, to Larry Summers, to Tim Geithner, to Rahm Emanuel, to all involved—I want to work with you when you come back. I want to work with you with legislation that analyzes the problem and diagnoses it and puts in place a prescription to solve the problem.

I am hoping over the next few hours that will occur. If it does not, I am one Senator who stands ready to work with this administration that has very capable people in place to solve what I believe is the most major issue affecting our economy, and that is credit and that is housing.

Madam President, thank you for your courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I am thankful Senator CORKER is with us. He has involved himself in these matters. He said something I truly believe: that we have not been told what the problem is and what kind of plan really exists to fix the problem. That is the difficulty we are facing. We have not had that kind of honest assessment from President Bush's administration, and we have not had it under President-elect Obama's administration. I think a lot of that is because they do not know, and a lot of it is because they are things that cannot readily be fixed.

The credit problem is the No. 1 problem. Some people say that the economy is like this big interstate, and the problem we had last October was 18-wheelers blocking the interstate, and if we could just get that aside and open the free markets again, everything would be OK. But that was not the problem. The problem was, as Senator CORKER indicates, much bigger than that. Fundamentally, there was a housing bubble, fueled by Government-sponsored programs and low-interest rates and a lack of discipline with respect to lenders and the sale of mortgage-backed assets. And this lack of discipline sort of hid the danger in those transactions. That was the problem. So when these houses started adjusting downward in value, because they were too high—how many people did you know who could not afford a house? They were going up two and three times the rate of inflation, two and three times the increase in gross domestic product. Housing prices were going up. That was unsustainable, yet everybody acted as though it would never fall. But it fell.

I remember in the early 1980s when President Reagan worked us through that recession and we had to foreclose on farms and land, and savings and loans—which were a big part of our real estate lending market at that time—failed right and left. But we took our hurts. We worked our way through it and created a foundation, with Mr. Volcker as the Federal Reserve Chairman, for 25 years of growth and progress. We did go through a period in which the dot-com bubble burst, and a lot of those markets have not yet recovered from that period in the late 1990s.

So I guess what I am saying, first of all, is this is a very difficult problem, but it is one we can work through. In the course of it, we have to ask ourselves exactly how it occurred, and we need our governmental leaders to tell us precisely how the legislation—and the money our American citizens allow them to utilize—will make it better. That has not been done. So we are talking today about another release of $350 billion in troubled asset funds.

This is the centerpiece of the Wall Street bailout. It was rushed through last fall in a season of panic. Many people didn't know what to do. We had the Secretary of the Treasury telling us if we didn't pass this and give him maximum flexibility, this economy could hit a depression, and that terrified everybody. I think the fear engendered by all that rhetoric is still a factor in slowing the potential for our recovery. But anyway, that is what happened.

I didn't vote for it last fall. I felt it wasn't properly presented. I didn't feel good about it. I didn't like buying these types of assets, these bad mortgages. Though it presented some plausible basis for a good program, I wasn't sold. I didn't vote for it. I am glad I didn't.

Now that it has been enacted, we have had a great amount of time to actually think it through and see how the program has worked so far. I think we should have had more hearings. We should have called in more experts. I think the new administration should have a more open discussion of the real problems out there—which I will admit the predecessor Bush administration didn't do either—and tell us what is going on and why we have to go forward with this.

I think it is pretty plain—and most people admit—we didn't see any progress from the first $350 billion in this package. That is little disputed, although the argument is difficult to contend with when they say: Well, it might have gotten worse if we hadn't thrown $350 billion at it. Of course we don't know what might have happened. But I want to know why we haven't had more congressional hearings, more public discussions of what is going on and how we need to fix it. Are we afraid of something? Why haven't we taken more time to discuss this?

An article in the Wall Street Journal talked about the difficulties we are facing—actually, on the front page—and the article quoted one financier as saying, well, it may have helped some—this first bailout.

Then he said:

> Nobody yet has any idea how much permanent damage may have been done to the structural underpinnings of the U.S. and global capitalism.

Well, I couldn't agree more. We don't know how much damage we have done in this adventure.

The passage last fall of the TARP plan, which gave to a single, unelected official of the executive branch virtually complete authority to dispense $350 billion—maybe $700 billion, if he receives it—as he alone saw fit and sees fit, I think, has to be considered one of the, if not the, greatest abdications of congressional fiscal responsibility in our Nation's history. Seven hundred billion dollars is the largest expenditure in the history of the Republic. I know we are going to get some of that back; how much I don't know. Right now the Congressional Budget Office says we are going to lose about $200 billion of it—maybe more—but we committed $700 billion without even knowing how it was going to be spent.

So if my colleagues will remember, we were told we were going to spend that money to buy bad mortgages, take them off the books of the banks and make them able to lend money. At the House hearing, someone asked Secretary Paulson: What about buying stock in a bank? He said: Oh, no. We don't want to buy stock. We have a plan. One thing he told us that was truthful: He wanted maximum flexibility. So when that bill was written, it gave him the ability to do virtually anything with that money, including bailing out individual manufacturing companies such as the Big Three, which he eventually approved out of that money. So within a week after flatly rejecting the idea that he would buy stock in private companies, private banks and insurance companies, the Secretary announced that is exactly what he was going to do.

He called them in and some didn't even want to participate with the Government program, but he thought if they didn't participate, it might look as though they were a healthier bank than somebody else's bank, and he twisted their arms and virtually insisted they participate in the program.

Then we put $100 billion into an insurance company—AIG, which is competing against other American insurance companies that operate on a sound basis—because they got involved

in these speculative swaps, credit swaps, and buying these types of assets and using them as collateral. So it is a difficult thing to know where we are, but it showed two things. I don't think Secretary Paulson deliberately misled Congress, although I believe he knew when he got that maximum flexibility he might buy stock one day. I can't believe he wasn't aware he had the possibility of doing that. But I think, fundamentally, they don't know what to do with the money because there is no certain answer. I have a vision in my mind of the guy who flew into the hurricane off the Gulf Coast where I live and he threw out dry ice and he thought he could cool off the hurricane and stop the hurricane. So now we have the Secretary of the Treasury getting $700 billion, and he thinks he can get in there and stop the financial hurricane by throwing money around. As steward of the taxpayers' money, we need more than that. Yes, Congress has the power of the purse, but I would suggest to my colleagues, that power is more than a power; it is fundamentally a responsibility. It is a duty to ensure that when we allocate money, we know where it is going and that we have a reasonable expectation of success.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair and ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I will conclude by saying the buying of stock and the government's direct involvement in the economy has ramifications. The Wall Street Journal had an editorial: ''Treasury to Ford: Drop Dead.'' They loaned General Motors' financial arm, GMAC, billions of dollars. The next day, GMAC is offering zero percent loans to encourage people to buy GM products, while poor Ford, who is getting by and not asking for any money, is losing competitive advantage. That is our problem.

There was an article in USA TODAY that said that a nation founded on excessive personal debt, excessive Government debt, and a sustained, large trade deficit is not a healthy economy. We all know that. We are going to have to adjust. This economy is going to have to adjust. Housing prices may fall somewhat lower, but they will bottom out soon. We will come out of this downturn. The projections I have seen by CBO and the Obama administration officials tell us that we are not going to have a recession as steep and as deep as the one in the early 1980s.

I think we have to be far more responsible in ensuring that these huge sums of money—$700 billion total, which exceeds the 5 years of the Iraq war's $500 billion in expenditures—are wisely done, are necessary, and will actually improve the situation we are in today. So, therefore, I cannot support the further release of funds today.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, in a few very short moments—I think within 5 minutes or so—we are going to be welcoming a new Member to this Chamber, and we will certainly take time out to do that. I believe Mr. DURBIN, the senior Senator from Illinois, wishes to be heard to speak about our new colleague as the swearing-in ceremony will take place at 2. So we will take a little time out for that—I don't think much time—and then I know my friends on the other side have lined up a number of speakers on the TARP program, and we are certainly going to accommodate that. I think all their time has been accounted for already, so we will have to make sure of the resources there. I have a number of requests on this side of the aisle as well to be heard on this very important matter before the vote occurs at 4:30.

Let me say in the few moments before the leaders arrive to welcome our new colleague from Illinois, new Senator-elect BURRIS, that this is obviously a very important debate that we are having regarding these so-called TARP funds. I don't know of a single Member, regardless of how they will vote on this matter, who likes being here for this debate or believes that this is something they wish they were doing at this hour. I certainly don't. I have been involved tirelessly with this now over the last number of weeks. As we all know, we are going through a dramatic situation in our country. To put it in numbers terms that are more understandable, 17,000 people in our Nation are losing their jobs every day. Nine thousand to ten thousand people are losing their homes every day in America. We saw the numbers of unemployment in the months of November and December; I think some 500,000 jobs in that month alone. Every indication is that the coming months are going to give us equally bad news on that front. We hear more bad news about lending institutions, financial institutions that are in trouble. So, obviously, these are fragile times, to put it mildly, for our Nation.

Yet, at the same time, within a matter of hours, almost within a few feet from where I speak, we are going to be inaugurating the 44th President of the United States, an individual who has given this Nation—in fact, many beyond our borders and shores—a great sense of renewed hope, a renewed sense of optimism about our country and its future. So the timing, in many ways, couldn't be better for this new President arriving, a new team coming to town, determined to do everything they can to get our Nation back on its feet again.

So this debate is not just any other debate. This is a debate that will give this new President the chance all of us want him to have to get our country moving in the right direction. So at an appropriate time, at the conclusion of the swearing-in ceremony of our new colleague, I will take additional time to talk about this issue, the importance of it, the regrets I have about why we ended up where we are but also why I think it is critically important we move forward at this very important moment.

With that, I see the distinguished majority leader is here and I will yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment and related credentials to fill the vacancy created by the resignation of former Senator Barak Obama of Illinois. The certificate and credentials, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the certificate and credentials will be waived, and they will be printed in full in the RECORD.

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

STATE OF ILLINOIS

Executive Department

Springfield, Illinois

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Rod R. Blagojevich, the governor of said State, do hereby appoint Roland Burris a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Barack Obama, is filled by election as provided by law.

Witness: His excellency our governor Rod R. Blagojevich at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

ROD R. BLAGOJEVICH,
Governor.

STATE OF ILLINOIS

Executive Department

CERTIFICATE

To All To Whom These Presents Shall Come, Greetings:

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the attached is a true and accurate copy of a certificate of appointment made by the Governor of the State of Illinois and duly filed in the Office of the Secretary of State of Illinois.

In testimony whereof, I hereto set my hand and cause to be affixed the Great Seal of the

State of Illinois. Done at the City of Springfield, January 9, 2009.

JESSE WHITE,
Secretary of State.

[State Seal Affixed]

STATE OF ILLINOIS
Executive Department
Springfield, Illinois
CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

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Witness: His excellency our governor Rod R. Blagojevich, and our seal hereto affixed at Chicago, Illinois this 31st day of December, in the year of our Lord 2008.

By the governor:

ROD R. BLAGOJEVICH,
Governor.

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INDEX DEPARTMENT
JAN 09 2009
IN THE OFFICE OF
SECRETARY OF STATE

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. BURRIS, escorted by Mr. DURBIN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there are many paths to the Senate. It is fair to say the path that brought our new colleague from Illinois to us was unique, and that is an understatement.

Whatever complications surrounded his appointment, we made it clear from the beginning, both publicly and privately, that our concern was never with Mr. BURRIS. I did not have the pleasure of meeting Mr. BURRIS until last week. I found now-Senator BURRIS to be engaging, gracious, and he was very firm in his commitment to become a good and effective Senator.

Given the uncertainty around his appointment, all of his statements and actions, again both publicly and privately, reflected a strong character that will serve him well as he begins his service for the people of Illinois.

I also say to my friend, DICK DURBIN, the senior Senator from Illinois, how much I appreciate working with him on this and the other matters we have worked on over the years. We have been in Washington together going back a long time, 1982. The people of the State of Illinois have been so well served by so many different people. I am confident that when the history books are written, even though Illinois has had some of the best of the best, my friend DICK DURBIN will be right there with them.

So to Senator BURRIS, on behalf of all Senators, Democrats and Republicans, we welcome you as a colleague and as a friend.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I first thank the majority leader for his kind statements. He is, indeed, more than just a colleague. For 26 years, we have worked on Capitol Hill together, and never more closely than the last 6 when I have had the honor to serve as his assistant as the Democratic whip. He is truly a great public servant, not only for the State of Nevada but for the entire Nation.

This was a test for us because we were all absolutely stricken by the news that the Governor of the State of Illinois was being arrested and under the circumstances which all America knows.

The response by the Senate was to say to this Governor: No Senate seat is ever for sale, and we are going to uphold the integrity of this institution, even though some may try to sully that integrity.

Senator REID is right, throughout the stormy weeks that followed, I do not recall a single negative word spoken by anyone in the Senate or any of ROLAND BURRIS's former colleagues about him. You can search the record. Everything said about ROLAND BURRIS was positive. The circumstances that led to his appointment were the issue, the source of the controversy.

The controversy came to an end on Monday. The Secretary of State Jesse White filed a new document after the Illinois Supreme Court ruled. The Secretary of the Senate ruled that this new document complied with the rules of the U.S. Senate, and Senator BURRIS had appeared in Springfield, as we asked him, to answer all questions about his appointment.

At that point, we were ready to move forward. I can recall phone conversations with him over the weekend telling him that things were moving in the right direction, and if he could be patient because they were coming to a good end; the ruling of the Secretary of the Senate could make all the difference.

Now we have this glorious day when so many of his friends from Illinois are here to witness his being sworn in by Vice President CHENEY, and now he has left the floor for a few moments for the ceremonial oath that is going to be given in the Old Senate Chamber.

While he is away, I want to say a word about my old friend, ROLAND BURRIS. He literally has been my friend for over 30 years. In 1978, when we were both brand new to this business, I ran for lieutenant governor for Illinois and he ran for comptroller. Nobody had ever heard of either of us or the offices we were running for. We were as obscure as possible, but we found kinship standing in the back of parade routes as the bigwigs in the front line went on. We struck up a friendship, a friendship that has extended over three decades. And it is a friendship that is based more on just that happenstance of running in the same year. You see, ROLAND and I are from the same part of Illinois. ROLAND BURRIS was born in Centralia, Illinois, a few miles away from my hometown of East St. Louis, Illinois.

But there is more to the story. That is one of the central parts of our Nation when it comes to railroads. I come from a railroad family—my mother, my father, my two brothers, and I all worked for the New York Central Railroad. ROLAND BURRIS's family were railroad workers as well. His father Earl ran a small grocery store to supplement his income as a laborer for the Illinois Central Gulf Railroad. Earl Burris, ROLAND's father, had a strong sense of community and a low tolerance for injustice. On Memorial Day 1953, Earl Burris decided to take a stand against injustice by defying Centralia's unofficial ''whites only'' policy for the city's public swimming pool. So he hired a lawyer and arranged for that lawyer to meet him and young ROLAND, then 16. They were all going to go to the swimming pool. Well, guess what. The lawyer didn't show up.

ROLAND BURRIS later said that he remembered his father all summer long saying that if segregation and injustice were ever going to end, people needed to show up and be accountable. By the end of the summer, 16-year-old ROLAND BURRIS had made up his mind he would show up. He would pursue a career in politics and the law. So off he went to Southern Illinois University, at Carbondale, which incidentally has a record of being one of the most productive colleges in America for the graduates of African Americans. ROLAND BURRIS was one of those. He studied political science and distinguished himself as a leader on campus. He headed a group that exposed discriminatory practices among Carbondale merchants toward African-American students.

In 1963, he earned a law degree from Howard University. That same year, he became a Federal bank examiner at the U.S. Treasury Department—the first African American ever to hold such a position. In 1964, he was hired by Continental Illinois National Bank, where he rose to the post of vice president in less than a decade. He is a past national executive director of Operation PUSH.

In Illinois, the land of Lincoln, we have elected more African Americans statewide than any State in our Union, and we are proud of it. But it is ROLAND BURRIS who led the way in 1978, as our first African-American State comptroller and later as the first African-American attorney general in that land of Lincoln, State of Illinois. ROLAND BURRIS paved the way for so many to follow, including the man who will be sworn in as President Tuesday—Barack Obama. He has held two of our State's highest elective offices. He was Illinois' first African-American comptroller as well as our first African-American attorney general.

ROLAND BURRIS is a good man and a dedicated public servant, and that is why he has returned to public life. Now he is the 48th Senator from the great State of Illinois, and the 1,907th person ever to be sworn into this distinguished body.

Here is an interesting fact as well. ROLAND and his wife Berlean live on the south side of Chicago in a home once owned by the great, the immortal Mahalia Jackson, the original ''Queen of Gospel Music.'' In 1948, Mahalia recorded a song that became so popular music stores couldn't keep it in stock. It sold 8 million copies. The title of that song was ''Move On Up A Little Higher.''

For more than 50 years, ROLAND BURRIS has sought to move on up a little higher—not for his sake alone but for the chance to help others, including our great State of Illinois. I congratulate him. I know this was a rocky road to this great day in his life, but it was a road well traveled and one that I am sure will lead him to appreciate how important this institution is, not just as part of our government but as a part of our future.

He is going to have a chance to not only serve as my colleague but the colleague of 99 other Senators who are going to be able to work with him and learn the values and talents that he brings to the job. I am honored today, by his being sworn into office, to no longer be both the senior and junior Senator from Illinois. We have a junior Senator—his name is ROLAND BURRIS—and I look forward to serving with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—Continued

Mr. DURBIN. Mr. President, I ask unanimous consent that all time be taken equally from both sides, as I know we are under limited time for the debate on the TARP renewal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Again I renew the request for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, would the Chair be so kind as to advise me when I have used 7 minutes?

The PRESIDING OFFICER. The Chair will so advise.

Mr. COBURN. Mr. President, we have before us today a hallmark piece of legislation that is supposed to be about credit and liquidity and the significant problems we ran into this last fall in this country when we no longer had a functioning, or barely had a functioning financial industry that allowed credit to flow which would allow commerce to ensue.

It was my belief at the time, based on what I was told and what I saw, that extraordinary measures were going to be required for us to handle this significant problem. Consequently, I ended up voting for a financial recovery package that I must say has been handled in a way completely opposite of the way we were told it was going to be handled. That is now water under the bridge. The question before us today is: Are we going to give another $350 billion—not through an oversight process, through an appropriating process—are we going to write a blank check to the Treasury Department to accomplish again what we are assured by the transition team and the incoming administration is for very specific things?

I would like to believe that. As a matter of fact, in a meeting yesterday with some of the officials of the incoming administration, I asked in a closed room where they were giving us this reassurance that this administration was not going to put more money into the auto industry under the pretext it has been done using the TARP funds; that this administration was not going to use this money for other industrial segments of our society but in fact would use this money only when and if it is necessary to keep liquidity rolling, to keep banks' balance sheets to the point where we can accomplish what we need in order to have true commerce in this country. And I must say that I felt somewhat reassured walking out of that meeting.

But one of the things I asked for in that meeting was a public statement so that the rest of America could have that same assurance. We find ourselves today, getting ready to vote on this—and that was communicated very directly, by the way, with some of the highest levels of the incoming administration—we are about to vote on it, yet there has been no public statement whatsoever that would assure either Members of this body or the American taxpayers that we are not going to be using it to bail out companies that are not competitive and have not had to do the hard things to maintain themselves to be competitive; we have no assurance we are not going to go to other industries and do the same thing; and we do not have, in fact, a public expression, an explanation, or a letter of intent of the incoming administration that they are going to use it in a very precise and direct manner to maintain liquidity of the financial sector.

The other thing that we have not heard, along with maintaining that liquidity, is how the administration will handle the toxic assets, which is what we were told the money was for in the first place.

So I come to the floor this afternoon wanting to support our new President. I want to support him. I talked to him about this issue prior to his senior staff coming and talking to us. But I find myself in the predicament of having been fooled once by the present administration not doing what they said they were going to do. They have not been transparent as to where and how the money is being spent. The American people haven't had access. We don't know the priorities under which it was done. And now we are being told again: Trust us.

Well, I am willing to do that, provided we put out to the American people exactly what that means. And the only thing that I can figure as to why it has not been forthcoming—that is what we asked for yesterday afternoon in the meeting with those representing President-elect Obama—is that they do not want to commit. And I regret to say that if the incoming administration won't commit on paper and publicly as to how they are going to use this money, I am disinclined to vote to give it to them. That pains me, because I want our new administration to be tremendously successful in the face of all the problems we have.

To meet the goal of transparency and accountability—which is what this new administration is all about, and I believe it will be far greater than what we have seen in the past; I will give them credit for that—it is required that they publicly tell the American people how, when, why, and what they are going to use this money for. And my only conclusion would be, in the face of that statement not being forthcoming, is that they either have the votes and believe they can accomplish this without being forthcoming—which again goes exactly the opposite direction of what my friend Barack Obama campaigned on—or they weren't necessarily truthful in what they told us on how they were going to use the money.

So I stand ready to try to support them, if in fact we have assurances—public assurances and documented assurances—that they are going to follow

the intent of what we originally gave the money for. Absent that, I would find him be unable to support that and would vote for the resolution of disapproval.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

(The remarks of Mr. KERRY are printed in today's RECORD under ''Morning Business.'')

Mr. KERRY. I thank the Chair. 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. BOND. 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. BOND. Mr. President, I rise to speak about TARP. The President has submitted the request for the second half of the funds. This is not an easy decision for Members of Congress. We have lots of questions about how the first $350 billion was spent. Questions came from my constituents, financial and economic experts, the oversight body. Auditors have questions, and I have questions.

I said in December, the Treasury must account for the $350 billion and make the case that the action has aided our economic recovery efforts. Taxpayers were promised transparency. They deserve answers. But after Congress authorized the funds, the Treasury Department abruptly changed course and instead provided billions of dollars in direct capital injections into banks without any requirement that they write down bad debt. To date we do not have any answer why the change was made. Perhaps the Treasury realized it could not operationally manage it. Perhaps it was because the Europeans had adopted a direct capital injection approach. But we do not know.

The change is not as important as is the explanation and justification. The change in strategy could have been more acceptable if Congress and the public understood what reasonable assurances there were that there was a coherent structure. Unfortunately, the Treasury has not provided concrete evidence that directly or indirectly linked the capital injection to the marginal stabilization of the credit market and the funds are contributing to the necessary writedowns.

Some experts also question whether Treasury diagnosed the problem correctly and accordingly allocated the funds appropriately. Now, Treasury claims TARP has worked because we have not fallen into a Great Depression. But when they are not collecting data from the banks on how the funds are used, it is kind of tough to point to that.

We need to focus on the real need for additional TARP funding and ensure that the significant questions about management and oversight are adequately addressed. In terms of need, let's be clear. I do not dispute that further Government resources and actions will likely be needed to address the ongoing economic downturn.

Unemployment is rising, double digits in some places. There are continuing credit difficulties. We must not be complacent about the prospect of an economic recovery.

I supported the initial passage of the act because we were assured it would run with transparency, accountability, and oversight. Unfortunately, we have had independent assessments of the program that do not provide any comfort. The U.S. Government Accountability Office and the congressional oversight panel have preliminary reports that are not glowing and raise additional questions.

Now, the incoming administration has made statements that it substantially agrees with these independent assessments, and it will do things differently. To date, however, all we have is a three-page letter that generally outlines how they will run it. While I appreciate these statements, a three-page letter is a little thin for me to approve a $350 billion extra share.

Taxpayers have bailout fatigue, and I am troubled by Government intervention in the private market. We need the private market at some point, however painful, to work itself out, and we must force the writedown of bad debt to address the solvency of banks. We have not seen those assurances, and I am not going to be able to support this release before us.

Many experts have implored the Treasury to use TARP to address bad debt that is still held by banks. I believe that should have been in the initial provisions. We forced the auto companies to jump through hoops. Perhaps on the other hand, they can use a guarantee program for a risk-share program.

Unfortunately, we still do not know how the second half of the funds is going to be used. We might have to have a subprime mortgage asset restructure trust like the entity we set up to deal with the savings and loan crisis. It was painful in the late 1980s, but it worked.

Unfortunately, as I said, this is not the end of the need to address our financial system. Some estimates are that about $1.5 trillion is pending, and we are likely to see more requests for funds. But before additional requests are submitted, we look forward to the incoming administration bringing some coherency and structure to the program and provide for certainty and confidence to taxpayers and markets by providing the transparency, accountability, and the oversight that is currently lacking.

There are too many unanswered questions about the current TARP. We do not dismiss the real threats of more financial turmoil. We can clear them up, but things likely will get worse before they get better. I am committed to help save the system, but we need a plan to show we are going to act responsibly and protect taxpayers while providing more accountability, transparency, and oversight.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to spend a few minutes today also addressing this very troublesome issue of the next tranche of $350 billion that is being asked for by the incoming administration. I, like many people who supported the initial request on October 1, was very disappointed with the differences in the current administration's implementation of TARP as opposed to the logic that was presented to us asking for our support.

I would also say if there were a new proposal coming to us from the current administration, given this experience, I would probably not support it. Given the administration's conduct since October, I would not support it. There is, however, an incoming administration that is in a situation that was created by Congress's initial vote. It is in the middle of this $700 billion proposal.

I have received concrete guarantees from the President-elect regarding TARP. I spoke to him at great length yesterday. I am going to support releasing this next tranche. I would like to take a few minutes to explain my support. I was one of the first people to originally question Secretary Paulson's request last September. I came to the Senate floor the Monday after the request was made. I laid out five different points of concern we had with the proposal itself.

I worked with other Members of this body. We had nine Senators join in a letter to the majority leader saying that any proposal like this had to, first of all, guarantee that it was not one individual in the executive branch who was able to make these kinds of decisions; that ideally, from our perspective, there should have been a three-person panel of honest brokers; that the American taxpayer should be invested in the upside of a program like this; that there should be re-regulation of the financial markets; and that there should be concrete limits on executive compensation. We had some movement on those issues during the negotiating process led by the senior Senator from Connecticut. We did not get all of them, but we did get enough. Coupled with the predictions of the catastrophic effect that might occur in the world markets without action, I decided to vote for the program. Then Secretary Paulson went off and spent the money in a totally different way than he told us he was going to.

The situation now, in my view, is different. I spoke with the President-elect. He indicated he was totally comfortable with my coming to the Senate floor and saying that he personally guarantees closure on all of those issues: that there will be more than

one person in the administration, at least three people in the administration, working together to find out the best place to put these funds; that American taxpayers are invested; that there will be limits on executive compensation; and that there clearly are going to be strong proposals, to re-regulate the financial markets.

We are in a very difficult situation in this body because we cannot amend this document. We cannot put these proposals into legislative language. We can only vote up or down as to whether this money is made available, and I am going to vote to release those funds.

The distinction for me is that, in the first instance, we had an administration that was ending its tenure. It was on its way out the door as it implemented the first tranche in, I think, not a fully responsible way.

In this instance, we have a new administration coming in. They are ready to be held accountable. The President-elect indicated to me that he wanted me to inform this body of the specific guarantees he is giving. With respect to the valid concerns that were just laid out by the Senator from Missouri, we have plenty of time for debate available to us for the larger stimulus package where we can truly sort out what type of financial rescue plan we are going to put into place for the country.

So I have struggled with this like so many of my colleagues. I am very comfortable with the guarantees that were given by the President-elect. I am going to vote in favor of this program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I am rising to speak in favor of the disapproval resolution. I think we should disapprove the use of the TARP funds, and I will outline why to my colleagues and point out the reasons and give a little bit of history on this as well.

I think it is interesting the Treasury Department came here on Saturday, September 22, and said: We have to do this. We have to have $700 billion to save the financial institutions across the United States. We have to do it, and we have to do it now. There were zero hearings on the $700 billion. Now, normally, around here you would not spend $7 million, let alone $7 billion or $70 billion, without a hearing. We did $700 billion without a hearing, and in a rush and in a push and people saying: We have to do this now or we risk going into a Great Depression.

This bill passed. Now, my phone was ringing during that period of time. My guess is the Presiding Officer's phone was ringing during that period of time. Kansans were hot and mad and upset and strongly opposed. I think at one point in time we had 2,000 calls against and 40 for the bill. There was strong opposition. They do not like the idea of giving the money to the people who made the mistakes and did the wrongdoing in the first place, and it was our taxpayer money. Then, what is in the bill—the initial bill was a 30-page bill.

Now, it expanded some after that, but we did not have a hearing process. We did not have a review process. It was: We have to do this; we have to do this now, period. It went on through the Congress, and it passed. We had two tranches: the first $350 billion and a second $350 billion, which I argued at the time as well, the second $350 billion should require an affirmative vote of Congress. I mean, this is $350 billion we are talking about. Instead, all we could get was this disapproval process which the President can veto. Then it has to come back here for a two-thirds vote. So you, in essence, have to get two-thirds of the Congress to disapprove. Nonetheless, I think we should disapprove this proposal, this bill, this additional $350 billion in funding.

Now, if the initial proposal was OK, look, we have to have it, we have to have it now to support and to keep the financial institutions going and properly functioning in the country—that money has been spent and the financial institutions are operating. Certainly, there is a lot of distress, but they are operating and they are operating effectively.

So the idea that you have to do it and you have to do it now to maintain a fiscal financial system operating is no longer there. That is one reason.

The second one: We ought to spend some time thinking about this and whether we want to do this because this has ended up being a rather large slush fund. It has been moving from various targets. Initially it was said this was going to be used to buy troubled assets. Then that seemed like it was going to take too long, so it was put into stock, into financial institutions to strengthen their bottom line.

So there was no real target given, and it was moved and sloshed around. Even on auto bailout, at the end of the day, do we want that loose of a design model on $350 billion? I would have to argue then, as I do now, no. We don't want that loose of a situation.

Then there is the matter of oversight on this particular issue. We have an oversight panel that has reported that Treasury has ''failed to address a number of questions asked by the panel itself,'' our panel, the congressional panel, in its first report. I don't see enough transparency in the manner in which TARP is being executed, and I certainly don't see enough in terms of what contingency plans Treasury has in mind to use these additional funds to grant carte blanche spending of $350 billion that could range from troubled assets, stock in banks, an auto bailout. And if that is your initial model of where you can spend it, then where else could we spend the additional $350 billion? Is this on credit card bailouts, on student loans, on another industry? It looks as though we don't know.

Quoting from the oversight panel, they were saying that this money, as I mentioned earlier, has failed to address a number of the concerns that were previously raised. Indeed, if anything, I think it could be argued that the haphazard manner in which these funds were spent has increased the financial stress and has injected uncertainty into a financial system and an economy already gripped by fear. Almost the very uncertainty and the moving back and forth said to the broader economy and to the global community: We don't know what we need to do. It helped to spread fear rather than to calm the market situation.

We need to have a calm discussion about this $350 billion. It is very difficult for me to go back home and say to my constituents: We approved an additional $350 billion and we are not exactly sure where it is going to be spent, when they were flaming mad about this being approved in the first place.

While additional TARP funding is not necessarily $350 billion of Government spending, I am not convinced it represents a well planned and executed investment for taxpayers. Many will say this is an investment, not spending. I am not sure this has been well designed or thought through of what the investment is. Indeed, it seems as though it changes by the day. The Congressional Oversight Panel says it still does not know what banks are doing with TARP money already used. So here is our own oversight panel saying that we don't know for sure what the banks are doing with the TARP money they have already gotten, and we are going to approve another $350 billion.

Without transparency about funding already committed to TARP and with only vague notions about how additional TARP funding would be used, I cannot vote to allow additional TARP funds to be released. Without more transparency and information on plans with a potentially large taxpayer cost, I do not see the merits in allowing additional TARP funds to move forward.

Those are not simply my thoughts. If you pick up the phone in my office, if you travel across my State—and I would say across much of the country—that is the sentiment you are going to get, that this just is not well planned. It is a lot of money, and we ought to calm down and take more prudent approaches, take the simple steps of holding committee hearings, looking at what sorts of distressed industries may come up, looking in depth at where the TARP funding has already been spent and what it is doing, and get answers to those simple, direct, but very important questions before we launch into another $350 billion. I think if the people in this body would listen to their constituents back home, they would say: Absolutely, don't just approve this. Let's take more time now.

The financial institutions people, as far as the situation that was existing last fall, are saying: This is getting much better than what it was at that point. Let's take our time to do it right. I am not saying that there isn't stress in the system. There still is. But it isn't the situation it was last fall. Our constituents demand that more information be known.

I hope we can do that and take our time to get this right and get the oversight right and get the answers to simple, direct, but very important questions.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I rise in support of the motion to disapprove the expenditure of the additional $350 billion. I am one who supported the original package back in September. I thought it was the right thing to do then. I still think it was the right thing to do at that point in time. The reason I thought so then and still think so is that we are certainly in a financial crunch. We were presented with a plan by the Treasury Department that laid out what we were going to do with this $350 billion that was the initial amount authorized to be accessed, that that $350 billion would move us in a direction of loosening the contraction of the credit markets around the country so that banks could borrow money in the credit market from each other, and they would thus have money to loan out to businesses as well as to individuals.

The fact is that the Treasury Department, after telling us the plan they proposed to operate to do that, moved in a different direction and moved in a direction of providing funding from this initial $250 billion and now the second $100 billion to fund banks, to provide capital to banks that was supposed to be used to buy toxic loans, not from individual banks but to buy toxic loans that were packaged at banks because they bought the banks. The fact is, it didn't work. It has not worked at all. We have not seen a loosening of the contraction of this credit market.

For us to come in today and be faced with a vote here today in the short term relative to accessing the second half of the $700 billion without having a plan that we have some assurance is going to work I believe is the wrong direction to go. Not only that, but as a part of the original $350 billion, there was some $20 billion or so that was accessed and given to the automobile industry, either through direct funding to automobile companies that are domestic companies that are in trouble as well as funding that went to GMAC, a financial arm of the automobile industry. That was never intended when we debated and voted on the original plan back in September of this year.

As my friend from Kansas said, it needs to be a written plan that is thoroughly thought through by folks who are certainly smarter than I am on this issue, and it needs to be in place before we take taxpayer money and expose it. I use that term because I still think, on the first $350 billion, we have the opportunity to be paid back, but it is exposed. But for us to further expose an additional $350 billion without some strong assurance that we will get repaid this money and, most importantly, unless we have some plan that gives us, while not a guarantee, a strong indication that accessing that additional $350 billion will move us toward resolution of this crisis and a loosening up of the credit market, I just think is the wrong direction in which to go. Because of that, I intend to vote in favor of this motion and in opposition to accessing that second $350 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, while I was given, very generously, 10 minutes, I will not take that time because I have had occasion to stand on the Senate floor since last October 10 on numerous occasions and talk about the way this vote took place in the beginning. Sometimes we lose sight of the fact that this had to start somewhere, and this start was when Secretary Paulson—and I to have say this is a Republican administration; he was the Treasury Secretary—came out with this plan on how to save the world. He said: We have to have $700 billion. It has to be spent to buy damaged assets. And even at that time, it didn't make any sense because, if you read the document, it didn't say anything as to what was going to happen to this money. It just completely was a blank check. Never in the history of Oklahoma have we voted to give anyone, elected or, in this case, unelected bureaucrat, $700 billion to do whatever he or she wants to do with it. It is mind-boggling that that could have happened, but it did happen.

The other thing that makes history out of this is, this is the largest single vote on an authorization in the history of this country. This amount is so big, I have tried to explain to people what this really means: $700 billion, if you take all of the families in America who file tax returns and do the math, is $5,000 a family. That is what we are talking about.

I opposed it originally and said that we are going to regret that we did this unprecedented thing. I hate to say it, even though I want to encourage as many Members to vote for this resolution, it doesn't make that much difference because if it should pass both the House and the Senate—and, of course, the House will be voting on it later on—then the new President would come in and would veto it. And all he would need is 34 votes, in the case of the Senate, to sustain a veto. Obviously, the votes are there. So it is going to happen. But I think it is important that as many people get on record recognizing it is not the right thing to do for America, and to do that, this is their last chance.

In October, after this passed the House and the Senate, I introduced legislation at that time, then reintroduced it with the new Congress, putting in accountability so that they would have to come to Congress. I don't care if it is the Bush administration or the Obama administration, come to Congress, tell us what they want to spend the money on. Let's debate it, go through an appropriations process so we are in the curve. That is what the Constitution says we are supposed to be able to do. But it didn't happen.

To name it TARP, the Troubled Asset Relief Program—this is no troubled asset relief program. It was represented by Secretary Paulson to be the buying of damaged assets. I have renamed it the SOAP program, the Spend On Any Program, because that is exactly what we have done. We don't know today, and we are about to pass something or we are going to end up adopting something, and this resolution will not be able to stop it. That is going to change the behavior. It is the first time this has happened in the history of this country. We are going to be saying to somebody: You can have this big block of money. You can do anything you want with it. That has not happened before. I think the historians, 30 and 40 years from now, will look back and say that the vote that took place in October that allowed one unelected bureaucrat to have $700 billion is going to be probably the most egregious vote in the history of this institution.

I look at this, and I see that this happened. I recall in October, when the majority—75 percent of the House and the Senate—voted for this thing, I said at that time that there are going to be others lined up. As this is structured, you can't stop it. You can't blame the auto industry for coming in, wanting to have a bailout. So they got a bailout. For those of you who think that is bad, I agree. But that was only 2 percent of the total $700 billion.

So we need to put these things in perspective. This is something that should not have happened. I think it is going to go down in history as one of the dark moments of this institution.

Lastly, we have talked to a lot of people, a lot of economists, three of them from the Reagan era. They said we didn't really accomplish anything with the first $350 billion. Our western farmers in Oklahoma—I won't mention which bank it is, but it was a bank that initially got $20 billion. Now they are asking for more so that credit would be loosened up. They came to me way back in October and said they received this money, but the credit has not loosened up at all. I am inclined to think that the first $350 billion was pretty much wasted, and now we are going into another $350 billion.

I would encourage any of my colleagues who voted for the initial $700 billion bailout to go ahead and vote for this resolution to stop this second $350 billion. That would be a redeeming feature in their careers. I would encourage them to do that.

I will yield the floor.

Let me inquire of the Chair: There is no one else ready to speak right now. If I were to continue to speak, would that use up time on this side? I do not want to do that.

The PRESIDING OFFICER. Yes, it would.

Mr. INHOFE. OK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Madam President.

In about an hour or so we will be voting on this matter. I know there are several other Members who want to be heard on this discussion, although there has been a lot said about this matter since the problem first emerged, at least the request first emerged, back in mid-September, September 18 of last year, when the Secretary of the Treasury and the Chairman of the Federal Reserve came before the leadership of the Congress and announced that within a matter of days we would be facing a meltdown of the financial sector of this country as well as, maybe, globally. From that time forward, we have found ourselves in this situation.

As I said a little while ago in brief remarks, I do not know of a single Member—at least I do not believe there is any—who takes any pleasure in being involved in this debate, involved in the vote we are about to cast, knowing the problems that have created this situation were avoidable, preventable, and had the administration paid more attention, when they were asked to more than 2 years ago, about the foreclosure crisis in this country—that is the root cause of the problems we are now dealing with—then we would not have to be here today. That is not hyperbole. That is not speculation. That is a fact. But the reality is there was denial after denial after denial: the economy was sound and solid, and things were going to be in great shape no matter what happened.

Today, we find ourselves with 17,000 people a day losing their jobs in America. Between 9,000 and 10,000 homes are going into foreclosure every day in the country. Retirement accounts are being dwindled down to almost nothing in too many cases. Costs and other matters are rising for many people. We are in the most serious economic shape since the Great Depression 80 years ago.

It is this Senate, this Congress, at this hour, with the transfer of power coming at the executive branch in a matter of hours, literally yards from where I am speaking today, that will hopefully provide a new direction for our Nation. The outgoing President—in a unique moment, I suppose, historically—along with the incoming President have jointly asked us to step up and provide a tool that might very well do something to make a difference in the lives of those 17,000 people today who will lose their jobs or maybe one of those families of the 9,000 today who will lose their home.

We can say: Look, we are not going to do this. We can flyspeck this: I don't like this part; I don't like that part. I would like more specificity here and there. We can twiddle our thumbs.

Well, explain that, if you will, to that person who might lose their job, when maybe taking action might make a difference or tell that to a family in Connecticut or Minnesota who is going to lose their house today: No, we ought to wait a week or two and maybe we will sort this out a little better somehow; like somehow the great wizards here, we are going to organize this in some fabulous way to serve the interests of the people.

This is a dreadful moment, it is a sad moment, that here in the first hours of the 111th Congress, instead of talking about resources that go to building bridges and roads or schools, making a difference in the health care of people, providing some decent retirement and hope for other Americans, we are talking about providing resources to stabilize our economy, to get our credit system working again, so you do not find the squandering of resources, to see that we might make a difference in putting a tourniquet on the hemorrhaging of home foreclosures that is occurring from one end of this country to the other.

Now, it is more dire in some areas than others. Obviously, the States of California and Florida particularly are seeing the tremendous effects of this situation. Arizona and Nevada are also paying a very serious price. But I know in Minnesota, I know in Connecticut, as well, while it is not as bad as in some of these other States, it is getting worse. There is not an economist anyone has listened to over the last number of weeks who has not told us it is not going to get better overnight.

But what do we do? Again, we have been asked to step up and provide some resources here, some serious ones to try to stabilize the credit markets, to provide some assistance. I do not know if it is adequate enough. This much I can tell you: Like all of us, we have been terribly disappointed over the management of the resources that were provided back at the end of September, early October. I honestly believe some of those resources have actually worked to some degree. But today we had about five different witnesses before the Senate Banking Committee—nominees for various posts, most of them very distinguished economists—who have spent years in this field. To a person, everyone said, well, they could not predict with absolute certainty that had we not acted in September, this economy would be in even worse shape today.

It is always difficult to prove a negative. But it is, obviously, easier for those who can stand here and say, well, I told you so or we should not have done this because it is impossible to go back and say what would have happened with any great certainty had we not acted. I think much can be said today when you have an outgoing Republican President and administration and an incoming Democratic administration, with very different views about how our economy ought to be managed, asking us jointly to step up and make this decision. I think it is important we listen and we act. That is what I am urging my colleagues to do.

This is not going to win you any parades. You are not going to get a plaque or a medal for doing this. I have great respect for my friend from Oklahoma, but I would predict just the opposite of what he has suggested. I think history will judge us, just as it judged two generations ago, what a new Congress did gathered in the winter of 1933, after the election of 1932, when 5,000 banks closed their doors and 27 percent of the American people were out of work. There was no hope whatsoever.

People got together, infused capital into lending institutions—the 5,000 of them—in the spring of 1933, and creative people sat down and worked to try to come up with imaginative ideas to get this country moving again, and an American President stood on the east front of this Capitol and said to the American people: You have nothing to fear but fear itself. Hope began to spring in the hearts and minds of Americans all across this country because while they were suffering terribly, they knew they needed a Government that was going to roll up its sleeves, keep an eye on them, and keep them in mind every single day to try to get this country moving again.

I would say to my colleagues that I believe on next Tuesday, January 20, the 44th President of the United States will remind the American people once again that the only thing we have to fear is fear itself, in his own words, and that there is a reason to be hopeful and optimistic. This is a great country, with great resources, talented, bright, energetic Americans, who want to see our country get back on its feet again. But you need to have the tools to do it. You cannot wish it well. You have to provide the resources in order to make it possible for us to get moving again. That is what this President has asked for—both the outgoing and incoming one—to give this incoming President the tools necessary to move forward.

Now, I know, as well, there is going to be far better accountability, far more transparency. Foreclosure mitigation is going to be a part of this effort. In fact, in a letter from Larry Summers to the majority leader—which I ask unanimous consent,

Madam President, to be printed in the RECORD provides far greater specificity than earlier communications, and I welcome that, detailing specifically how this will work, how it will be monitored, how important the intervention on foreclosures will be, and focusing on the flow of credit, which is, obviously, critical if we are going to get back on our feet again.

I think the letter ought to provide some confidence to Members who are concerned about how this program will be managed and run, and that it will, in fact, be run differently than the present administration is doing it.

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

THE OFFICE OF THE PRESIDENT-ELECT,
Washington, DC, January 15, 2009.

Hon. HARRY REID,
Majority Leader,
U.S. Senate.

DEAR LEADER REID: Thank you for the extraordinary efforts you have made this week to work with President-Elect Obama in implementing the Emergency Economic Stabilization Act of 2008. In addition to the commitments I made in my letter of January 12, 2009, the President-Elect asked me to respond to a number of valuable recommendations made by members of the House and Senate as well as the Congressional Oversight Panel. We completely agree that this program must promote the stability of the financial system and increase lending, preserve home ownership, promote jobs and economic recovery, safeguard taxpayer interests, and have the maximum degree of accountability and transparency possible.

As part of that approach, no substantial new investments will be made under this program unless President-elect Obama has reviewed the recommendation and agreed that it should proceed. If the President-elect concludes that a substantial new commitment of funds is necessary to forestall a serious economic dislocation, he will certify that decision to Congress before any final action is taken.

As the Obama Administration carries out the Emergency Economic Stabilization Act, our actions will reflect the Act's original purpose of preventing systemic consequences in the financial and housing markets. The incoming Obama Administration has no intention of using any funds to implement an industrial policy.

The Obama Administration will commit substantial resources of fifty to one hundred billion to a sweeping effort to address the foreclosure crisis. We will implement smart, aggressive policies to reduce the number of preventable foreclosures by helping to reduce mortgage payments for economically stressed but responsible homeowners, while also reforming our bankruptcy laws and strengthening existing housing initiatives like Hope for Homeowners. Banks receiving support under the Emergency Economic Stabilization Act will be required to implement mortgage foreclosure mitigation programs. In addition to this action, the Federal Reserve has announced a $500B program of support, which is already having a significant beneficial impact in reducing the cost of new conforming mortgages. Together these efforts will constitute a major effort to address this critical problem.

In addition to these commitments, I would like to summarize some of the additional reforms we will be implementing.

1. Provide a Clear and Transparent Explanation for Investments:

For each investment, the Treasury will make public the amount of assistance provided, the value of the investment, the quantity and strike price of warrants received, and the schedule of required payments to the government.

For each investment, the Treasury will report on the terms or pricing of that investment compared to recent market transactions.

The above information will be posted as quickly as possible on the Treasury's website so that the American people readily can monitor the status of each investment.

2. Measure, Monitor and Track the Impact on Lending:

As a condition of federal assistance, healthy banks without major capital shortfalls will increase lending above baseline levels.

The Treasury will require detailed and timely information from recipients of government investments on their lending patterns broken down by category. Public companies will report this information quarterly in conjunction with the release of their 10Q reports.

The Treasury will report quarterly on overall lending activity and on the terms and availability of credit in the economy.

3. Impose Clear Conditions on Firms Receiving Government Support:

Require that executive compensation above a specified threshold amount be paid in restricted stock or similar form that cannot be liquidated or sold until the government has been repaid.

Prevent shareholders from being unduly rewarded at taxpayer expense. Payment of dividends by firms receiving support must be approved by their primary federal regulator. For firms receiving exceptional assistance, quarterly dividend payments will be restricted to $0.01 until the government has been repaid.

Preclude use of government funds to purchase healthy firms rather than to boost lending.

Ensure terms of investments are appropriately designed to promote early repayment and to encourage private capital to replace public investments as soon as economic conditions permit. Public assistance to the financial system will be temporary, not permanent.

4. Focus Support on Increasing the Flow of Credit:

The President will certify to Congress that any substantial new initiative under this program will contribute to forestalling a significant economic dislocation.

Implement a sweeping foreclosure mitigation plan for responsible families including helping to reduce mortgage payment for economically stressed but responsible homeowners, reforming our bankruptcy laws, and strengthening existing housing initiatives like Hope for Homeowners.

Undertake special efforts to restart lending to the small businesses responsible for over two-thirds of recent job creation.

Ensure the soundness of community banks throughout the country.

Limit assistance under the EESA to financial institutions eligible under that Act. Firms in the auto industry, which were provided assistance under the EESA, will only receive additional assistance in the context of a comprehensive restructuring designed to achieve long-term viability.

The incoming Obama Administration is committed to these undertakings. With these safeguards, it should be possible to improve the effectiveness of our financial stabilization efforts. As I stressed in my letter the other day, we must act with urgency to stabilize and repair the financial system and maintain the flow of credit to families and businesses to restore economic growth. While progress will take time, we are confident that, working closely with the Congress, we can secure America's future.

Sincerely,

LAWRENCE H. SUMMERS,
Director-designate,
National Economic Council.

Mr. DODD. So this is a tough vote to cast, as it was in September, in October. I listened that night as the majority leader asked every single Member to vote from their desk, something we do not do with great frequency. I listened to several of our colleagues who are no longer here, and I suspect that vote they cast in favor of that program had something to do with the outcome of their elections. I am sorry that happened to them, and it may have happened because of that vote.

But we are Senators. This is not a place just to come and give speeches. We happen to be here at one of the most critical times in our Nation's history. There are wars raging around the globe, and people are suffering at home. We have an obligation to them, and sometimes the decisions we make are not always the most popular ones in the moment they are given. We have learned that throughout history, too, that the Congresses in the past that have come before us, that have had the courage to stand up and face the realities of their day, have enjoyed the good judgement of history because they had the intestinal fortitude to do so.

There is not a single one of us in this Chamber who knows what is the right political vote. We all know we can gain favor overnight by casting a vote against this bill. My hope is there will be at least 50 of us who will stand up and cast a better vote—for your children and your grandchildren who will not know the outcome of your vote because they probably are not alive yet or could not read it. But someday they are going to look back and ask what we did at this critical time to make a difference in our Nation.

I believe we are in such a moment, we are in such a time. And it is not just this moment; there will be a series of them in the coming weeks and months. That is why you sought this office, I presume, to be a part of making history and making a difference.

I would urge my colleagues, no one is arguing perfection at all. No one can speak with any certainty at all about the outcome of all of this. We are actually in uncharted waters when it comes to these issues. But to sit back and do nothing—to do nothing—would be an indictment and a failure of responsibility.

So I am determined, as I know my colleagues will be, if this, in fact, goes forward, to monitor it, to insist upon accountability, to demand that we see lenders do what they should be doing, insisting that the leaders of these institutions not gouge or hoard and do

everything possible to make sure our economy gets moving in the right direction.

On that note, Madam President, I urge my colleagues to reject this motion of disapproval and to give this new, young American President a chance to get our country back on its feet again, as he desperately wants to do, and to give America, once again, that sense of hope and optimism we deserve as a people.

Madam President, I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be jointly charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The Presiding Officer and I have discussed this issue that is on the floor before us now, the next tranche of funds for the TARP program. All one has to do is listen to what TARP stands for: Toxic Assets—T-A—and your first instinct is: I don't want to go near it; I don't want to touch it; I don't want to have anything to do with it. I can tell my colleagues from the bottom of my heart that on 99 percent of issues here, I know what I am going to do pretty much immediately, because it is a clear path for me. I find it not that difficult to make that decision. However, the first vote we had on TARP after a phone call with Secretary Paulson and Ben Bernanke where they said: Our system is on the verge of economic collapse and if we don't get them the 700-plus billion dollars, our Nation would face economic ruin—I remember I was on that phone call with about 30 other Senators, and we were asked for a blank check by Henry Paulson. He wanted 700-plus billion dollars, he wanted it then, that minute, that second. He wanted no strings. He didn't want to tell the bankers they couldn't take a bonus payment. He didn't want to tell them executive pay had to be reasonable. He didn't want to tell them they would have to lend. He didn't want to use it for housing. It was a horrible conversation. We said: You are not getting a blank check and we are not going to do this until we put some strings on this.

Well, we put a few strings on it. We set up a commission to oversee it. I wish to say that Mr. Paulson, in my view, did not live up to the spirit of what this Senate and this Congress wanted him to live up to. What they did was not transparent. What they did did not ease the credit crisis. What they did was to kind of ignore the problem of the housing crisis which got us into this mess in the first place.

So let me be clear. Let me be clear to my constituents. If Henry Paulson was going to get this money, this second tranche of money, if the Bush administration was going to continue to dole out this money, I wouldn't give them $3, let alone $350 billion. I wouldn't give them 30 cents. I wouldn't give them 3 cents. However, I have to say to all of those within the sound of my voice, as someone who wound up voting for the first tranche and feeling badly about it ever since: When President-elect Obama tells us that it would be irresponsible for him, in the face of this worst crisis since the Great Depression, to not have the ability to tap into these funds; when he tells us that he is fearful that there could be a great crisis, that there could be an emergency; when he asks us to trust him on this and put our confidence in him and that he is going to use these funds in a different way, he is going to use these funds to address the housing crisis, and that he is going to be transparent; and to quote him, ''Every penny that they spend, the public will know about,'' I have a choice. I have a choice. I can say: Sorry, it was a horrible experience the first time and I am not going to give you this chance. I could say that. That is the easy thing. That is the easy vote. Voting no is the easy vote. Then I can go home and not worry about it. But how could I walk away from this President at this time? When he says to me and he says to us he needs a chance here, he needs this tool in his pocket to bring it out if he is in a crisis worse than the one now, I cannot walk away from that.

So I say to my constituents I will vote for this, and I will do it because of the assurances I have gotten from the President-elect himself that it will be different, that he will use these funds judiciously, that he needs to make sure he has this tool in his pocket. I hope my constituents understand that after hearing that from this President, who got more than 60 percent of the vote in my State, that I feel he deserves my trust at this time.

I thank the Chair and I thank Senator DODD.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, a number of us—many Americans—are disappointed that the first act of this new Congress and this new President will be to add $350 billion more borrowing on the backs of our children and grandchildren. Madam President, $350 billion will be in addition to another $350 billion that we approved last year, as well as the nearly $1 trillion we are talking about in stimulus that will be coming up next year. This is not the change that many Americans had hoped for as we enter a new administration. Many of us are very disappointed in how the first round of troubled assets funds have been used.

It is clear that the intention of the incoming President and the new Democratic majority in Congress is to spend and borrow our way out of this recession. That doesn't work for families. It is not going to work for our country. More spending and borrowing and printing money may help Washington to grow and prosper, but it is certainly not going to help American families and businesses grow and prosper.

In this context that we are here today talking about this $350 billion in spending, with all respect to my colleague who just spoke, the easy thing to do is vote for more spending here in Washington. We find it is almost impossible to get people to vote for any cuts in spending. Yet, in spite of our calls for economic relief in an economic meltdown situation, Congress refuses to make any sacrifices on what we do here.

I am speaking to support this resolution of disapproval that has been offered by Senator VITTER, and I encourage all of my colleagues to take this responsible step to slow down this avalanche of spending and debt in our country.

Some are trying to make us feel a little better about this incredible amount of spending by saying: It is not real spending; the government is actually investing in debt of companies and intervening in companies and that we could get some of this money back. Frankly, it doesn't make me feel any better to know that this government is intervening in the private sector and every place it touches, it is going to bring new rules and regulations and make our economy less likely to operate as it should.

As we know, many who voted for this TARP bill last October now regret they did it. I didn't vote for it, but many who have, have issued press releases and spoken on this floor being very critical of how it was used and the fact that it hasn't worked. The promises that were made of how this money was going to be used were changed within a couple of weeks of the time the panic was issued here in Washington, and everyone was told they needed to vote for it or there would be worldwide economic calamity. Yet, almost before the ink was dry, they changed what they were going to do on the bill. I think for that reason, many do not trust this whole process of creating a slush fund for an administration, whether it be Republican or Democrat, to spend $700 billion.

We know what happened last fall. In October there was a crisis mentality. We were told we had to act immediately. Since then, in spite of all of the promises, the stock market has fallen nearly 25 percent and we are in the same credit problem situation that we had then. It is too much money to be throwing at the wall in hopes that it might work. I still hear at home that all of this money we put into the system has not worked its way into small business loans or loans for individuals, loans to buy cars, and we have no assurance at this point that an additional $350 billion will do that.

I would encourage all of my colleagues to look at where we are as a

Nation and the amount of debt we have. The amount of debt we have is now approaching a half a million dollars for every American family. It is very difficult to justify continuing to borrow money when all we are doing is treating the symptoms of the problem.

It is amazing to me that we are talking about throwing more money at a problem and we have yet to address the causes of the problem. We know the government made many mistakes with government-sponsored entities such as Fannie Mae and Freddie Mac. We have not corrected those problems in a way that will show any results. We know we require banks to make loans to people who can't afford to pay them back and we have not corrected those problems. If you talk to any businessman—and I have been a businessman most of my life—they are not looking for a short-term, knee-jerk solution; they need to have a predictable business environment in order to take risks and make investments and grow their business.

If we were looking at real solutions such as lowering our corporate tax rate, lowering capital gains that would encourage the nearly $11 trillion of private money that is now sitting on the sidelines—we are not talking about doing anything that is going to encourage this private money to get into the market, into the banking system that would create more liquidity. All we are doing is treating the symptoms, and there is no discussion of solving the problem.

I hope my colleagues will take the telephone calls and the e-mails they are getting from their constituents, as I am, seriously. Americans intuitively know that what we are doing here is wrong. Even if it worked for a few months, all of us know we have to pay it back, our children and our grandchildren for generations to come, with a lower standard of living, incredibly high taxes, and a devalued currency.

Madam President, I thank you for the opportunity to speak and I yield my time, as I again encourage my colleagues to vote for this resolution of disapproval, and let's figure out how to solve the real problem.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I intend to vote against the resolution disapproving the release of the so-called second tranche of funds for the troubled asset relief program, or TARP, albeit with some reservations.

When I first decided to support the TARP last fall, I did so because I believed it was essential to preventing the collapse of our financial markets. I believed we were facing an emergency that would hurt every American unless Congress stepped in to provide temporary assistance to our financial system. I continue to believe this today. The conditions that called for the first one-half of the $700 billion authorized still exist today.

Last fall, credit stopped flowing. The root of the problem, and I think we all agree, is that the banks didn't know if their mortgage-backed securities had value. No one was willing to loan based upon that lack of knowledge. When they stopped lending to each other, they also stopped lending to businesses, large and small, and to ordinary Americans. People couldn't even get a loan for a car or a major appliance, and that condition persists throughout the country today to some degree. We learned very quickly that the dubious business model of Fannie Mae and Freddie Mac to securitize more and more mortgages was causing the entire system of credit and financing to seize up. Every American has been hurt by this market failure.

So the Secretary of the Treasury recommended that a $700 billion investment program that was flexible enough to change with market conditions and that would be focused on addressing the underlying problem in our financial market, namely, these mortgage-backed securities and the Treasury has deployed or committed the first half of the money—$350 billion—and is now asking for the second half. Unfortunately, as I said, the same circumstances that called for the initial $350 billion I believe pertain today.

For the most part, I have supported the Treasury's actions, although I wish that the conditions enabled the banks to be more aggressive in their lending. I don't view the program as a gift to the banking industry because the funds must be paid back with interest.

I did not and do not support their decision to use TARP funds to bail out the automobile industry, a purpose for which it was clearly not intended. I wish to make it clear, I always understood and believe that the full $700 billion would likely be needed to get our credit markets working again. That is why I support giving the Treasury Department the authorization for this second tranche of $350 billion, and it is why I will vote against the resolution to disapprove releasing the funds.

I have had many conversations with officials of the incoming Obama administration, and they promised me and all Republicans, for that matter, that they intend to dedicate the fund to shoring up the financial markets. They promised they will not use the funds to prop up failing companies outside of the remaining commitment to the automobile industry made by the Bush administration, my understanding about $4 billion, and the possibility of debtor possession financing under certain circumstances.

They promised greater transparency and accountability, and I intend to stay in close contact with them to see that these commitments are kept. I know this is not a popular decision, but I believe, in the long run, this program will help to keep our economy from collapsing. It will eventually help it to recover, and that will benefit every Arizonan and every American.

I wish to be clear that I am not asking any of my colleagues to join with me on this vote unless they have concluded, as I have, that we simply did not take a chance that we don't have the financial ability to deal with crises as they develop.

It is, unfortunately, my view that crises will continue to develop in the finance and banking sector of our economy so we are going to need the authority for the next $350 billion.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I wish to make it clear from the beginning that no vote—well, there have been a few votes I have cast in my 24 years, now going on 25 years, that I have regretted. We are all human. We make mistakes. We try to get the best information we can, and then we vote.

Last fall, the information we got is we were on the verge of collapse, we had to do something, we had to get this TARP bill through, so I voted for it.

Then I became more and more dismayed as the weeks went by and the months now to see how it was mishandled completely, not in accordance with what we in Congress were told they were going to do. They said they were going to purchase toxic assets. But then Secretary Paulson and his friends did the old bait and switch. Instead of doing that, they pumped tens of billions of dollars into purchasing equity in major banks.

I said many times it is sort of like Secretary Paulson and his buddies doing all for whom I call the graduates of Goldman Sachs, sort of taking care of their buddies and bailing out their buddies in the banking industry.

So when this new TARP came up, I must tell you I was adamantly opposed: no more of this, we are not going to put any more money out there like this. Then I began discussions with the new administration coming in. They have come up and talked with us a number of times. I had about three phone calls last night with my good friend, Senator JOE BIDEN, who will be our next Vice President.

He said: What is troubling you?

I said: What is troubling me is that no one seems to be responsible for what happened to the first 350. You have Paulson, but then there is President Bush, and somebody else seems to be responsible.

I said: Secondly, they didn't use the money for what we wanted and there is no transparency. We don't know what happened to a lot of it. And I said: Third, there has to be more of this money put out there for middle-class America. It has to be put out there for them—not this trickle down where you put it in investment banks—but put it down below so it can percolate up. He talked with the President-elect. We had three phone calls last evening.

I see a letter from Lawrence Summers was sent up to us today which reiterates what soon-to-be Vice President

BIDEN said to me last night. First, no substantial amount of money will go out of this fund unless it is signed off by President Barack Obama. He has to sign off on it. So we know where the buck stops.

Second, the way the system is set up, Vice President JOE BIDEN will be in there, he will be a part of this process, and the President will rely on him for his input into this process. I know JOE BIDEN. There has never been a stronger fighter for middle-class America and for working families than JOE BIDEN. So that reassures me we have another source of input into this effort.

And third, they are going to make it absolutely transparent and put it out for everyone to see where they are going.

Again, there were a couple of other things they agreed to do. No. 1, executive compensation cannot go above a certain threshold until the Government has been repaid. That is good.

No. 2, shareholders will not be rewarded until the Government has been repaid. For firms receiving exceptional assistance, quarterly dividend payments will be restricted to 1 penny per quarter until the taxpayers are repaid. That is pretty darn reassuring to me.

And now this: preclude the use of Government funds to purchase healthy firms rather than to boost lending. That is exactly what happened with the last 350.

I find myself now in a position of saying: Look, we still have problems out there, we have credit problems out there. We didn't answer these problems. We have a new team. Barack Obama—and I served with him in the Senate as all of us have—said time and time again—and I know where he is coming from—that we have to help middle-class America, that we can't just put the money in at the top anymore. JOE BIDEN has said the same things.

With these assurances that there is a new team down there, now I am going to be able to support the release of the next $350 billion.

I close with this: I felt a little bit, after the last one, like Charlie Brown and Lucy—she is always pulling the football out from under Charlie Brown. I said: That is not going to happen to me again. Well, Lucy is not holding the ball now. We have someone new holding that ball, someone by the name of Barack Obama and JOE BIDEN and their team.

I am going to put my trust in them based on this letter that has been sent up, which I understand was made part of the RECORD earlier today. With those assurances that we can get that money out, down to homeowners, to help on foreclosures, to help out some of our smaller banks with their credit problems, I see my way clear now to vote to make sure we get this money released for the new administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise to support the joint resolution of disapproval which would prevent, as you know, the allocation of another $350 billion to the Treasury's flawed Troubled Asset Relief Program.

The Treasury Department's implementation of TARP has been a bureaucratic fiasco. In the years to come, I believe it will be considered a textbook case in our business schools on how not to conduct fiscal policy.

The Treasury Department has never had a clear plan on how to respond to the financial crisis or how TARP funds could best be utilized. It told Congress just a few months ago that it would spend TARP funds one way and then spent them another. Rather than establish a clear plan and then use TARP funds to implement it, Treasury has recklessly used TARP funds to bail out big Wall Street firms threatened with bankruptcy.

TARP has proven to be helpful for rescuing Wall Street bondholders but has done little for the U.S. economy, small business, and average Americans.

Treasury's approach to TARP has been so undisciplined that its commitments already exceed the $350 billion Congress authorized it to spend.

Further evidence of the erratic implementation of TARP is the fact that Treasury has even failed to comply with the statutory requirements for requesting the additional $350 billion in TARP funds. The statute clearly requires the Treasury Secretary to provide Congress with a detailed plan on how it will spend the additional funds. There is no plan. There is nothing to review. There is no way we can say to the American people this afternoon that we have conducted in the Senate a thoughtful, thorough examination of how this money is going to be spent because there is, quite literally, nothing to examine.

If Congress cannot hold Treasury accountable for providing a simple plan on how it will use an additional $350 billion, why should the American people today have any confidence Congress can hold Treasury accountable on how it will spend it?

As you know, I opposed the original TARP legislation because I did not believe the TARP program was based on a well-thought-out plan. During our consideration of that legislation in the Senate, I pointed out to some of my colleagues some clear and serious problems with purchasing troubled assets as Treasury proposed to do at that time.

The Treasury Department assured us—assured us—told us unequivocally it could address the financial crisis by establishing TARP to purchase troubled assets from banks using a reverse mortgage auction.

Is that what the initial $350 billion was used for? The answer is no. After further examination, the Treasury Secretary decided that purchasing troubled assets was not a feasible plan.

It is now clear the Secretary of the Treasury did not have a real plan when he proposed TARP. Rather, he had a hastily conceived notion that, it turned out, was impossible to implement. Because there was so little thought put into the original plan, we have spent $350 billion and the TARP has failed to stem the economic downturn and hundreds of thousands of people have lost their jobs.

We should not, this afternoon, repeat our mistake—but we will—by granting the Treasury the additional $350 billion without first determining how to best use those funds.

I think it is time the Congress stop and think and take the time to devise an effective solution. First, we should demand that the Treasury Secretary provide a plan on how the $350 billion will be used. That is the least we can do. This is already required, as I said, under the TARP legislation, which directs the Secretary to submit ''a written report detailing the plan of the Secretary.''

What the Secretary has submitted is not only legally insufficient, it is completely devoid of substance. This should not be acceptable to the Senate.

Second, the Banking Committee should hold extensive hearings on TARP and alternative ways of addressing our financial problems. It should also hold hearings on how previously committed TARP funds have been spent, who benefited, who is accountable. The Treasury Secretary, whoever it may be, should appear before Congress and tell us exactly how he wants to use the funds. This is especially important now that a new administration will be responsible for spending it.

Madam President, $350 billion is an enormous amount of money to me. I find it hard to believe we would even consider granting any public official the authority to spend such an amount without, at the very least, requiring him to appear before us and explain how he will use it. If the majority and the new administration wish to demonstrate that there is a new climate of accountability in Washington, this would be an opportune place to start.

I believe the choice is clear. If you support accountability, transparency, the only vote is to support the joint resolution to deny the $350 billion to the Treasury.

The American people, I believe, are rightly outraged at the way Congress and the Treasury have recklessly spent billions of TARP dollars. It is time Congress looks at the financial crisis with the seriousness and diligence the American people demand, expect, and reserve.

The last time we considered how to respond to the financial crisis, we panicked and passed the TARP bill. We now have a second chance—though I believe we will throw it away—to fulfill our responsibilities to the American people. I hope we will support the motion to disapprove. I urge my colleagues to vote in favor of the joint resolution of disapproval.

I yield the floor.

Mrs. MURRAY. Madam President, next week, we will inaugurate a new Commander in Chief. It is a time of hope and opportunity for people across this country.

While many Americans are hopeful today, too many of them are hurting, and they cannot wait another day for the change they have been promised. People in my home State of Washington are feeling the pain.

When I held an economic roundtable in Everett, WA, earlier in December, the room was filled to overflowing with people who came out in the middle of the day to express their concerns and to listen to business owners and families and community members talk about the struggles they are facing.

Unemployment in my State, like States across the country, is at record highs. Businesses, big and small, are struggling to meet their payroll. And too many families are still wondering how they are going to stay in their homes or get a loan to pay for school for their kids.

We stood here on this floor almost 3 months ago debating whether to approve the President's request for economic rescue funds. At that time, communities across my State were hurting. Families were struggling to pay for their groceries, to afford health care, and wondering how they were going to pay for college.

My constituents were angry they were being asked to fork over their tax dollars to cover the consequences of years of reckless abandon on Wall Street and the failure of this administration to regulate or rein in their folly.

Here we are today, 3 months later, and my communities and my families are still hurting. Many people are still struggling with health care and education and foreclosures. Just this week, the people of my State heard Boeing announce plans to lay off thousands of workers in the State of Washington. The Seattle PI—a newspaper that thousands have welcomed into their homes every day—was put up for sale. And today we learn that foreclosures in our most populated county have spiked by 88 percent over last year.

My constituents live 2,500 miles away from here, and they are listening to our debate here today. They are asking why on Earth Congress would approve billions of dollars more after the way the last chunk was handled.

The rescue funds we approved in October prevented economic collapse, but regular people are still struggling. They say they have not felt the impact of these funds on their job security, on their incomes, or their ability to stay in their homes.

I have to say, I understand their frustration, and I share their concerns. I am angry too. I am angry about the lack of transparency into how banks are using these dollars. I, in fact, picked up the phone and called Secretary Paulson to express my outrage when I read stories of those lavish parties held by companies that received our precious rescue dollars.

There has not been enough accountability or transparency to date. That must change. There has not been enough benefit to regular families and small business owners and homeowners. That must change. When I voted in favor of these funds in October, I said it was not a cure-all but an attempt to keep an already very bad situation from getting much worse.

It takes both investment and honesty to get our economy back on track. Unfortunately, we have not had much of either. The disbursement of these funds was the current administration's entire plan to improve the economy. But their philosophy was like using a Band-Aid when the economy needed surgery.

The administration will change next week, but the challenges facing our Nation will not. I spoke with President-elect Obama earlier this week, and I expressed my concerns about how the economic rescue funds had been used up to this point. He agreed.

Today, I met with Timothy Geithner, the President-elect's nominee to head the Treasury Department. He gave me his assurances that transparency and accountability will be improved and that there will be more done to help responsible homeowners avoid foreclosure.

With those assurances, I believe the American people are finally going to get the investment and the honesty they deserve. President-elect Obama is inheriting an economic crisis. That is a very tough place to start. But he told me, in order to move ahead and focus on America's families and businesses, we have to ensure the stability of our financial markets. The President-elect has assured me that while he believes these funds are important, they are only one part of his plan to get America back on track.

So I said yes to those funds today because I believe we can move forward, and I want our new President to have the ability to focus on our economic recovery. The President-elect and Members of Congress are committed to ensuring a full and accurate accounting of how the Treasury Department has allocated the funds spent to date and going forward, and we will ensure that assistance does not just flow to large financial institutions, but will be available to our community banks and small businesses as well. We will take a hard look at the factors that brought us to this point and address them.

Our new President has promised to work with Congress to pass and implement new regulatory measures to better protect consumers and businesses and investors and to ensure that our taxpayers are never again put in this terrible position. We will work with this new administration to quickly implement aggressive policies to reduce preventable foreclosures for responsible homeowners.

This crisis started in the housing market, and we will not dig ourselves out without overhauling the system. I will not be done with this process until Americans who have lost their jobs and their homes are back on their feet.

People of my State know what it will take to get America working again, and so do I. We have to value our workforce and find a way to make health care affordable and accessible. We have to invest in research and development and reward American innovation. We have to implement a smart forward-looking energy policy that ends our addiction to foreign oil once and for all. We have to invest in our roads and our bridges and our highways and the projects that will pave the way for further economic growth. We have to recognize that education is a priority. We cannot fill those great jobs of the future without an educated and skilled workforce.

It is time to put America's families first. It is time to restore their faith that government works for, not against, them. Americans who are hurting today will not see a change overnight. There is a long, hard path ahead of us, but the American dream of owning a home or running a business or going to college is still alive in communities across this country. To pull back now and allow our credit markets to freeze would tie the hands of an incoming administration with plans to invest in America again and potentially cause lasting economic harm.

This is just one step in the process. We will provide these rescue funds to stabilize our financial markets, but we will also implement strict regulatory reforms and pass an economic recovery package that invests in our communities and puts Americans back to work.

I grew up in a country that was there for my family in very hard times. When my father got sick and could no longer work while raising seven kids, there were Pell grants and student loans and food stamps when my family needed them. I will always remember that. That is why I will always work to make sure our country is there now for today's American families.

I supported this rescue package today because we have to keep our country moving forward, and our incoming President deserves the support of Congress to make that happen.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, to a certain extent I wish to follow up precisely on the remarks the Senator from Washington made at the end of her speech.

I, too, have been disappointed with the deployment of the first half of the TARP money, and I supported that deployment in the hopes that it would stabilize the marketplace, ease credit for our customers, and help the housing market. While it probably did stabilize the banking system, there has yet to be a loosening of credit and

there has yet to be a recovery of the housing market.

Looking ahead, we continue to look at suggestions that throw money at the problem rather than getting to the root cause of the problem. In fact, with the best of intentions, I think people are struggling to meet the symptoms of a serious illness rather than treat the illness. I wish to direct my remarks tonight to that illness.

The illness, as the Senator from Washington referred to, is the collapse of the U.S. housing market which began in the last quarter of 2007. In the first quarter of 2008, in January, I introduced a housing tax credit of up to $15,000 for the purchase of any house that was standing vacant or in foreclosure. I did it for a couple of reasons. No. 1, I was in the real estate business for 33 years, and I was in it in 1974, a year in which we had a housing collapse worse than the current situation. While many people think this one is bad, it is not as bad as 1974.

In December of 1974, there was a 3-year supply of unsold, standing new houses in the United States of America. That is a catastrophic inventory. We currently have a supply of about 11 to 13 months, depending on the State. That is not a good market, but it is not 36 months, which is a horrible market.

President Gerald Ford, a Republican, and a Democratic Congress, came together and passed a $2,000 tax credit to any family who bought and occupied one of those standing homes. Within 1 year's time, which was the limited time of the tax credit, two-thirds of the housing inventory on the market was sold, values stopped declining and started improving, and we had a stabilization of our economy, the end of a recessionary period, and the beginning of prosperity.

I come here tonight because about an hour and a half ago I dropped a bill known as Fix Housing First, an effort for me and others in this body to rekindle that debate of last January. Now, last year, we did pass a housing tax credit, but it was a now-you-see-it/now-you-don't approach. It was a first-time home buyer credit of $7,500 that was a refundable loan, interest free, because over 15 years you would pay the credit back to the Government in the form of income taxes. It was an incentive, but it was weak. It was not bold.

The tax credit we introduced last year was scored by CBO at $11.4 billion, and Finance believed at that time—and maybe rightfully so—that was too big a price to pay and too expensive. Well, because we didn't do it, in October of this year, we approved $750 billion to address the symptoms of the problem, which is the failure of the housing market.

I had the privilege yesterday of meeting with some of President-elect Obama's team, including Rahm Emanuel, Dr. Summers, and others, and told them precisely what I am saying on the floor of the Senate today; that is, I hope they will embrace this concept of incentivizing the housing market so we can stabilize values, stop the continuing erosion of equity, and begin to reflate—not inflate but reflate—the housing market.

In America today, 20 percent of the houses are underwater, meaning there is more owed on them than they are worth. That means equity lines of credit with our banks are in default. It means students going to college are losing the money their parents had for tuition. It means there is not enough liquidity in households anymore or credit availability to make purchases of durable goods that are important to our system, and our system is continuing to feed in a downward spiral on the illiquidity, the lack of equity, and the lack of a marketplace for housing.

I was in this business for a long time, and I called 10 people who worked for me a number of years ago last weekend in Atlanta. I asked them, I said: What is going on in the market? Tell me what the buyers are saying or are there any buyers? I talked to a lady by the name of Glennis Beacham.

She said: Johnny, I had nine people come to my open house last weekend, and that is a good crowd for an open house in this marketplace. Every one of them had the money and they wanted to buy, but they were looking for two things: a short sale, which means somebody selling their house for less than is owed on it and getting a discount from the lender, which means it is a downward price or they are looking for somebody whose house is going into foreclosure that they think they can steal. They don't want to even make an offer on the 80 percent of people's houses in this country who are making their payments, aren't in default, aren't in foreclosure, but might need to sell. So the marketplace has died.

Now, Fix Housing First proposes the following: Repeal the $7,500 tax credit we passed last year, which is not being used, by the way. That credit has not been used to any extent whatsoever. Replace it with a tax credit that will go from $10,000 to $22,000 depending on the formula. It would be a monetizeable tax credit. What that means is this: you make the tax credit good for this year—January 1 through December 31 of 2009—but you allow the monetization or the claiming of that credit against the 2008 income taxes of that family. The 2008 income taxes come due in April of this year, the 15th. We all know that. By allowing the credit to be taken against 2008 income taxes, you can monetize that money at the closing, use it as a part of the downpayment, and immediately incentivize the marketplace. Is that a little costly? Sure. Is it something we would rather not do? Probably. But what are we going to do? Watch the marketplace go down to where four out of every five houses are underwater? Watch sales go down to where there is no viable housing market in this country? It has not stopped spiraling. It is continuing, and everything feeds off of it.

I don't wish to belabor this point, but I wish to talk for the American people, the people of Georgia. The community bankers are hamstrung right now. Most of their investments are in real estate, residential construction, and acquisition and development loans. With no marketplace to buy the lots or buy the houses, they have no cashflow coming in to service the loans. They are deteriorating in terms of their value. Americans who have been transferred who are making their payments, who have a viable house, who have to sell it to move to the next city of choice, there is no marketplace to buy that house, so that is stagnating.

Consumer products, take carpets, for example. The State of Georgia, the County of Whitfield, the City of Dalton produces about 85 percent of the domestic carpet in the United States of America. It is shut down. The mills are shut down. Why? People aren't recarpeting. They aren't redoing their houses. New houses aren't selling. The market is gone. I could go on and on with durable products made in the United States of America whose industries are now in trouble because the housing market has taken a severe hit over a protracted period of time.

So my plea to the President-elect, to my friends on both sides of the aisle, to the Members of the United States House of Representatives, as we are deploying countless billions of dollars to react to problems that are manifesting because of a failed housing market and mistakes that were made in the past, let's put some money out there to incentivize Mr. and Ms. America who want the American dream to buy a home, to buy one for their family, occupy it as their residence, and give them a tax credit for doing it. It is a small price for the Government to pay to begin to restore the industry that got us to where we are and will lead us out of these dangerous and dark times.

So I come tonight on behalf of the homeowners of the Presiding Officer's State of Florida and mine, the community bankers, the realtors, the homebuilders, the fix-it people, the durable goods producers, the building supply makers, the landscapers—every job that has been lost and gone, in some cases forever, because the housing market in this country has collapsed.

We have learned our lesson for loose underwriting. We have learned our lesson from loaning money to people who weren't qualified to borrow. We have paid a terrible price for that lesson, both the country and the people. It is time for us to do what we know we should have done: have quality underwriting, available credit, but have accountability in our lending system, make sure values are appraised right, underwriting is done right, and credit is available but people are qualified. If we can do that and incentivize people to come back because of the tax credit, we can solve this problem.

I don't want to oversimplify the gravity of the problem we face, but the

housing market led us in; the housing market will lead us out. It is time for us to fix housing first. Our failure to do so will cost us a lot more than $700 billion of our taxpayers' money, and countless Americans who shouldn't will lose their homes, lose their jobs, and lose their faith in the greatest country on the face of this Earth.

I ask my colleagues to study this recommendation. I hope the President-elect will embrace it. I hope, quickly, we can fix housing first in the United States of America.

Mr. ENZI. Madam President, for the past 2 weeks, I have been patiently waiting for what everyone in this chamber knew was inevitable. When the Senate passed the Emergency Economic Stabilization Act on October 1, 2008, we included a stipulation allowing the disbursement of the final $350 billion only upon the President's request to Congress, and after Congress had been given an opportunity to pass a resolution of disapproval preventing release of the funds. We did this to provide a chance to thoroughly assess the program, make changes, and get our country's economy on the right track again.

Although I voted against the act that created the Troubled Asset Relief Program, the TARP, I was pleased that this provision was added into the final bill. Many of my colleagues and I thought, optimistically, that the TARP would work better than we had predicted. It was even possible, some noted, that we would not have to spend the entire $350 billion final disbursement. Even if it was necessary to approve the additional funds, we would be provided the opportunity to evaluate the program and make it more effective in a rapidly changing market.

So in preparation for the President's request, I have been keeping track of the market conditions, following the headlines, and watching the stock market. Yesterday, the Dow Jones industrial average closed down almost 250 points. This is the lowest the market has closed in 2009, and the biggest drop since December 1, 2008.

Jobless claims have increased since the holiday slowdown. The U.S. Department of Labor statistics on unemployment released today indicate that the recession is getting worse and that those companies we were trying to save with the TARP program are cutting more workers than predicted in order to stay afloat. These are the same workers who have seen a lifetime of retirement earnings shrink to nothing. Others have lost their homes, their most stable financial asset in past years, due to rising unemployment and a frozen credit market. For those Americans without a job, they face dismal employment prospects as companies continue to cut their workforces to stay in the black.

The companies that employ them are not in any better shape. Headlines this week warned that even the largest financial institutions were forced to take drastic measures to remain viable. For example: ''Citigroup Ready to Shrink Itself by a Third.'' ''Bank of America to get Billions in U.S. Aid, Can't close deal for Ailing Merrill Lynch.'' These developments occur despite $350 billion of taxpayer money already spent, and billions more guaranteed through the Federal Reserve.

After more than 3 months, it is time we take a detailed look at the TARP program and ask ourselves, ''Are American taxpayers getting what they paid for?'' Based on my observations, it is clear that we are not. Our economy appears to be in no better shape than on October 1, 2008, when we passed this massive $700 billion emergency bailout, and today the Senate is poised and seemingly eager to send more money out the door. We are throwing good money after bad money, and expecting different results. But without substantial changes to the TARP and measurable, attainable goals, there is no chance of success for this program.

Let's be clear, this program has not worked. America is still in the grips of a frozen credit market, and the U.S. Treasury continues to operate this program in a manner never intended by the Congress when we created the TARP. In fact, upon passage of the act, Treasury gave it a different name. The TARP became the Capital Purchase Program and instead of buying troubled assets, the Treasury began buying stock directly from the market. Yet when Congress has an opportunity to put this program back on track, some of my colleagues would prefer to simply give Treasury more money to operate a $700 billion slush fund as it pleases. This is not the time to encourage blind spending and ignore the fundamental problems with our country's capital markets. Now is the time to modernize the TARP, add accountability and transparency, and hold Treasury to its commitment to operate this program the way we intended.

It will take more than blind spending to get our economy back on track. That is why I support the resolution of disapproval. My colleagues in the Senate must take a critical look at this program, measure its progress and setbacks, and make changes that will put this money where it is most needed. It is obvious that the first $350 billion has not worked, so why are we rewarding this failure with more money? Instead, let's work on a reform package that will hold Treasury's feet to the fire and get credit flowing through our markets again. We need a program that will put our money to work building construction projects, hiring employees, and operating small and large businesses across the country. We need a program that will bring confidence back to the market. This program must be temporary, and provide a reasonable chance of success for the businesses and the taxpayers who are participating in it. It also must be accountable and transparent. The American taxpayers should know what they are getting with their investment, and to date, they do not.

I am willing to work with my colleagues on a reform package that will do all of these things. However, the first step must be to put the brakes on this reckless spending. Doing so will provide us with the opportunity to make the program better, and fulfill our obligation to the taxpayers funding this program with their hard-earned money.

I strongly urge my colleagues to vote in support of the resolution of disapproval.

Mr. LEVIN. Madam. President, we are in a crisis unparalleled since the Great Depression. We are on a deeply troubling path, marked by credit freezes, foreclosures, rising unemployment, and declining purchasing power. And that path, in the autumn of last year, appeared to be heading toward a cliff. We were fearful of what might happen if we stood idle and allowed our economy to fall off that cliff.

The initial Emergency Economic Stabilization Act proposal put forth by the White House and the Treasury Department was unacceptable. It was essentially a blank check for $700 billion to be spent however they pleased. There were no provisions for oversight, no accountability, no mechanism to ensure that the funds were well-spent. Congress did significant work to create a more acceptable proposal, including dividing the recovery funds into two pieces, the second of which could be disapproved by Congress.

In the months since we passed that legislation, I have been deeply disappointed in the way the administration has handled the program. Although we required the Treasury Department to maximize assistance for homeowners and work to minimize foreclosures, no systematic foreclosure mitigation program has been adopted, let alone implemented. Although the goal of the legislation was to unfreeze credit markets, the Treasury Department did not take reasonable steps to ensure that a significant portion of the billions of dollars distributed to banks across the country were used for this purpose.

Indeed, in one specific example, one bank that received over $2 billion in TARP funding has been reducing the lines of credit for Michigan businesses that have been longtime customers of the bank without a single default. I am hearing similar accounts from across Michigan and throughout the Nation. This slashing of credit by banks receiving federal funds is the opposite of what TARP was intended to do.

Many may recall that the originally stated purpose of the Troubled Asset Relief Program was to focus on purchasing ''toxic'' assets from financial institutions. While Congress set significant disclosure and oversight requirements to monitor these purchases, we also provided flexibility for the Treasury Department to respond rapidly to the developing crisis. Treasury decided

that the originally conceived TARP program would not suffice to save our economy from the approaching cliff, so the administration turned to capital injections. The administration does not know what this massive infusion of capital has done to mitigate the economic crisis. They established no metrics to judge whether the program is working. Recipients of funds have not been required to set benchmarks as to how the funds should be used, let alone track, report to regulators or disclose to the public what they are doing with the funds.

Many of the financial institutions that have received TARP funds continue to give out annual performance bonuses, many of which are larger than most hard-working Americans earn in decades of labor. And, as we have seen in the front pages of national papers this week, there are real concerns about the long-term viability of some of the banks receiving funds, yet those funds have gone out the door without requiring any written plan from the banks as to how they will continue operations or repay the taxpayers.

Even as the administration gave financial institutions carte blanche with few, if any, questions asked, they first refused to provide TARP funds to our domestic automakers and then did so only with significant oversight and restructuring requirements. The double standard here is dramatic.

Because of all these shortcomings in the use and oversight of the first $350 billion of TARP funds, I would oppose the release of the second $350 billion if those funds were to be used as sloppily.

Yesterday I sent a letter to National Economic Council Director-designate Dr. Larry Summers seeking further and more detailed assurances. I will ask to have that letter printed in the RECORD. I believe the assurances I requested are commonsense positions that are essential to a well-run, effective stabilization plan that protects taxpayers money. The assurances I requested are:

No. 1, does the incoming Obama administration assure Congress that TARP recipients will be required by the Treasury to track and report their use of TARP funds and that this information will be made available to the Congress and the public?

No. 2, does the incoming Obama administration assure Congress that recipients of ''exceptional assistance'' will be subject to at least the same compensation limits as have been placed on recipients of funds under the TARP's Automotive Industry Financing Program?

No. 3, does the incoming Obama administration assure Congress that Treasury will obtain agreements from TARP recipients on benchmarks the recipient is required to meet so as to advance the purposes of TARP?

No. 4, does the incoming Obama administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit?

No. 5, does the incoming Obama administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

No. 6, does the incoming Obama administration assure Congress that banks which receive ''exceptional assistance'' will be required to adopt a systematic residential mortgage mitigation program?

No. 7, does the incoming Obama administration assure Congress that recipients of assistance under TARP and other Federal programs will be required to develop and submit a written financial viability plan just as was required of recipients of funds under the Automotive Industry Financing Program?

Just a couple of hours ago, we received a response from Dr. Summers addressed to Senator REID. The letter goes a long way to providing positive answers to most of my questions. To summarize a few of the points:

No. 1, TARP recipients will have to track and report their lending patterns and report this information to the public.

No. 2, healthy banks without major capital shortfalls will have to increase lending above baseline levels.

No. 3, they pledge to commit $50 to $100 billion of the TARP funds to address the foreclosure crisis, and banks receiving TARP support will be required to implement mortgage foreclosure mitigation programs.

I am disappointed that the letter did not provide assurances that banks and other financial institutions receiving TARP funds will be subject to the same rigorous standards with respect to executive compensation and the submission of viability plans that Congress and the Bush administration demanded of the auto companies. I have responded to Dr. Summers letting him know I look forward to hearing his response to the balance of my suggestions. I will ask to have that letter printed in the RECORD.

On a related matter, in December, the Bush administration committed to provide $13.4 billion in funds from the TARP to facilitate the restructuring of our American auto manufacturers and said that an additional $4 billion would be available in February. Of necessity, this additional $4 billion must come from the second $350 billion, and we have been assured that will happen. In return for this much-needed bridge financing, the domestic auto manufacturers agreed in December to terms and conditions that went way beyond anything required of other recipients of TARP funding. There was broad support for these loans for the domestic auto industry because there was broad recognition that this industry is the foundation of our Nation's manufacturing sector and industrial base and a recognition that its failure was simply unacceptable. We must complete the job started in December and ensure that the additional funding necessary for the financial health of this critical U.S. industry is provided in a timely manner. Support from the Federal Government is essential if the energy efficient green vehicles of the future will be produced by American companies and American workers. Other auto-producing countries are acting to assure the survival of their industries. So must we.

Perhaps because of the current administration's poor record of accomplishment with the first $350 billion and the lack of accountability with which the distribution of those funds has been carried out, our economic position today is not discernibly stronger than it was 3 months ago. We are threatened by further bank failures, creditworthy consumers and businesses are having trouble accessing credit, and it appears that if we do not act our economy may decline even further.

As was the case 3 months ago, it would be irresponsible to stand by and do nothing as our economy heads toward a cliff. It would be negligent to tie the hands of the incoming administration because of the outgoing administration's deficiencies.

I am convinced by what we know of continuing bank losses and the hurting credit markets that it would be irresponsible to refuse the President this weapon for economic recovery. Bringing about economic stabilization and restoring a healthy economy will not be an easy task. We are contracting from an unprecedented and irresponsible boom in lending over the past years, which led financial institutions to make loans to borrowers who could not repay them. Unfortunately, in the aftermath, the pendulum is swinging the other way and many banks are fearful of making any loans at all, even to creditworthy borrowers. It is my hope that with more TARP funds available, reporting requirements, and established goals, banks will resume making responsible loans. Part of this will require that Treasury focus not just on the banks that many deem ''too big to fail'' but also on community and independent banks that are the financial backbone of many small towns through their support of local businesses and families.

Coupled with the stimulus package Congress will consider in the next month and then a much needed financial regulatory overhaul in the spring, we can begin to turn away from the deregulatory disaster of recent years and return to a healthy economy with cops on the beat to help restore confidence in our financial system and prevent another financial disaster like the one we find ourselves in now.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 14, 2009.

LAWRENCE SUMMERS,
Director-designate, National Economic Council, Washington, DC.

DEAR DR. LARRY: Before Congress votes on whether to release the second $350 billion in TARP funds, I would like to receive the following assurances regarding federal assistance under TARP and other programs to supplement the assurances you provided in the letter to the Congressional leadership dated January 12, 2009.

1. The second report of the Congressional Oversight Panel, issued January 9, 2009, states: ''The Panel still does not know what the banks are doing with taxpayer money. Treasury places substantial emphasis in its December 30 letter on the importance of restoring confidence in the marketplace. So long as investors and customers are uncertain about how taxpayer funds are being used, the question both the health and the sound management of all financial institutions. The recent refusal of certain private financial institutions to provide any accounting of how they are using taxpayer money undermines public confidence. For Treasury to advance funds to these institutions without requiring more transparency further erodes the very confidence Treasury seeks to restore.''

Your letter states that the Treasury Department will ''monitor, measure and track what is happening to lending by recipients of our financial rescue assistance.''

Does the incoming Obama Administration assure Congress that TARP recipients will be required by the Treasury to track and report their use of TARP funds, and that this information will be made available to the Congress and the public?

2. The Summers letter states that recipients of ''exceptional assistance'' will be ''subject to tough but sensible conditions that limit executive compensation until taxpayer money is paid back, ban dividend payments beyond de minimis amounts, and put limits on stock buybacks and the acquisition of already financially strong companies.''

Does the incoming Obama Administration assure Congress that recipients of ''exceptional assistance'' will be subject to at least the same compensation limits as have been placed on recipients of funds under the TARP's Automotive Industry Financing Program?

3. Does the incoming Obama Administration assure Congress that Treasury will obtain agreements from TARP recipients on benchmarks the recipient is required to meet so as to advance the purposes of TARP?

4. Does the incoming Obama Administration assure Congress that it will ensure that banks use a significant portion of TARP funds to extend credit?

5. Does the incoming Obama Administration assure Congress that a significant portion of the remaining TARP funds will be used to carry out a comprehensive plan to prevent and mitigate foreclosures on residential mortgages?

6. Does the incoming Obama Administration assure Congress that banks which receive ''exceptional assistance'' will be required to adopt a systematic residential mortgage mitigation program?

7. Does the incoming Obama Administration assure Congress that recipients of assistance under TARP and other federal programs will be required to develop and submit a written financial viability plan just as was required of recipients of funds under the Automotive Industry Financing Program?

Thank you for your prompt response on this important matter.

Sincerely,

CARL LEVIN.

U.S. SENATE,
Washington, DC, January 15, 2009.

Dr. LAWRENCE H. SUMMERS,
Director-designate,
National Economic Council.

DEAR LARRY: Thank you for your letter to Senator Reid today outlining additional reforms you will adopt in implementing the Emergency Economic Stabilization Act of 2008. These reforms address many of the suggestions I made in my letter to you of January 14. I look forward to hearing your response to the balance of my suggestions.

I appreciated the assurances I received in Tuesday's Democratic Caucus from the President-elect and you that the new Administration will provide the additional $4 billion for loans from TARP Tranche 2 to the U.S. auto industry in February in accordance with the plan announced by the Bush Administration.

Sincerely,

CARL LEVIN.

Mr. FEINGOLD. Madam President, I will support the resolution disapproving the remaining $350 billion in funding for the financial bailout. While President-elect Obama's team has signaled some significant improvements in the actual administration of these funds, the three fundamental issues that caused me to oppose the bailout initially remain.

The bailout continues to be a huge strain on our budget, with no provision for offsetting its cost to the Federal budget—a cost that will be passed on to our children and grandchildren in the form of increased debt. There is no requirement to help families facing foreclosures on their homes, one of the root causes of the housing crisis. And finally it fails to reform the deeply flawed regulatory structure that permitted the crisis to arise in the first place. While we have heard promises of future legislation, the hammer we hold over the financial sector is the bailout funding. Once that funding is approved, we have lost the leverage needed to enact the tough reforms that will get the financial sector to clean up its act.

As I had hoped, a small portion of the financial bailout funds were used to provide temporary help for our automakers and help retain 3 million manufacturing jobs in this country. While I opposed the financial bailout for the reasons I have just spelled out, given that those funds were approved I felt it only right that a tiny percentage of them be used to help millions of working families whose livelihoods depend on a healthy automobile industry. Despite my concerns, I fully expect this second $350 billion for the financial bailout to be approved, and if it is, I certainly expect that the promise of additional financial backing for the automobile industry, and the millions of jobs associated with it, will be forthcoming.

As I have noted before, while some of the troubles of the automobile industry were of their own making, a great many of the problems facing domestic automakers are the direct result of policies enacted or ratified in Washington. The collapse of the housing and credit markets, the result of two decades of the reckless disassembly of a sound regulatory system, clearly hit the credit-sensitive auto industry hard. In addition, bipartisan majorities in Congress, led by Democratic and Republican Presidents, approved deeply flawed trade policies that have further disadvantaged the domestic auto industry. Currency manipulation by foreign competitors that has not been adequately addressed by our national leadership, too, has put our domestic producers at an enormous competitive disadvantage. Given Washington's policymaking complicity in the problems facing our domestic automobile industry, should these additional bailout funds for Wall Street move forward, a slice of them should rightly be used to provide some assistance for an industry that means so much for millions of American families.

Mr. MCCAIN. Madam President, I will support the resolution before us today and oppose releasing the remaining Troubled Asset Relief Plan, TARP, funds because I have seen no evidence that the additional and substantial taxpayers' money will be used for its intended purpose. TARP was created to allow the Treasury Department to purchase up to $700 billion in ''toxic assets'' from financial institutions in order to help homeowners facing foreclosure and to stimulate the economy. The misuse of the first $350 billion of TARP funds combined with the lack of transparency promised by Secretary Paulson should be reason enough to oppose releasing additional funds. No further TARP funds should be released until we are able to impose strict standards of accountability and ensure that the money is spent only as intended by Congress—to purchase mortgage-backed securities and other troubled assets.

Today, in an open letter to Members of Congress, 26 public interest organizations wrote that ''(T)he stated purpose of the TARP was to purchase toxic mortgage assets. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.'' The letter also states that the Treasury Department ''has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.'' The signatories included the American Shareholders Association, Americans for Tax Reform, the Center for Fiscal Accountability, the Competitive Enterprise Institute, the Council for Citizens Against Government Waste, the Family Research Council, the National Center for Public Policy Research, and National Taxpayers Union. I will ask to have the full text of the letter printed in the RECORD.

There is no doubt that Congress intended that the Treasury Department use the funds provided to assist only financial institutions. But that has not

been the case. The language authorizing the TARP program has been interpreted to allow Treasury to change the game plan and use the funds for things outside the scope of congressional intent. Less than 2 weeks after enactment of the program, Secretary Paulson changed course and decided instead to use TARP funds to recapitalize banks—a decision that was made with little or no input from Congress and was an option that was explicitly rejected by Paulson and Bernanke when they were selling the TARP plan to Congress.

In fact, just this morning the Wall Street Journal reported that Bank of America is close to finalizing a deal with the Government which will give them billions of dollars in U.S. aid. The lead article on the Journal's front page states: ''(T)he commitment of the funds is further evidence of the banking system's delicate condition and its hunger for more capital, despite billions of dollars already invested in financial institutions by the government. So far, the U.S. government has already injected $25 billion into Bank of America.''

The Associated Press recently investigated how the TARP funds given to U.S. banks were being spent. An article published on December 22, 2008, reported what they found. It was astonishing. The article, titled ''Where'd the bailout money go? Shhhh, it's a secret'' reads partly:

WASHINGTON (AP)—Think you could borrow money from a bank without saying what you were going to do with it? Well, apparently when banks borrow from you they don't feel the same need to say how the money is spent.

After receiving billions in aid from U.S. taxpayers, the nation's largest banks say they can't track exactly how they're spending it. Some won't even talk about it.

''We're choosing not to disclose that,'' said Kevin Heine, spokesman for Bank of New York Mellon, which received about $3 billion.

Thomas Kelly, a spokesman for JPMorgan Chase, which received $25 billion in emergency bailout money, said that while some of the money was lent, some was not, and the bank has not given any accounting of exactly how the money is being used.

''We have not disclosed that to the public. We're declining to,'' Kelly said.

The Associated Press contacted 21 banks that received at least $1 billion in government money and asked four questions: How much has been spent? What was it spent on? How much is being held in savings, and what's the plan for the rest?

None of the banks provided specific answers.

''We're not providing dollar-in, dollar-out tracking,'' said Barry Koling, a spokesman for Atlanta, Ga.-based SunTrust Banks Inc., which got $3.5 billion in taxpayer dollars.

Some banks said they simply didn't know where the money was going.

''We manage our capital in its aggregate,'' said Regions Financial Corp. spokesman Tim Deighton, who said the Birmingham, Ala.-based company is not tracking how it is spending the $3.5 billion it received as part of the financial bailout.

There has been no accounting of how banks spend that money. Lawmakers summoned bank executives to Capitol Hill last month and implored them to lend the money—not to hoard it or spend it on corporate bonuses, junkets or to buy other banks. But there is no process in place to make sure that's happening and there are no consequences for banks that don't comply.

Pressured by the Bush administration to approve the money quickly, Congress attached nearly no strings to the $700 billion bailout in October. And the Treasury Department, which doles out the money, never asked banks how it would be spent.

I will ask to have the full article printed in the RECORD.

With no regard for congressional intent, the Treasury Department has used TARP funds to prop up the banking industry and to guarantee securities backed by student loans and credit card debt. But most troubling to me has been the use of TARP funds to help bail out the domestic auto industry—in direct defiance of Congress. Last month, after extensive discussion and debate, the Senate rejected a plan to pump billions of Federal dollars into the domestic auto industry because we saw no evidence of serious concessions from the industry and no assurance of the domestic auto manufacturers' long-term viability.

At the time I said that, before they ask for assistance, the automakers will need to change dramatically the way they do business if they hope to be on course for long-term profitability. Rather than seeking an unconditional handout from the taxpayer, industry leaders must first consider how they can restructure their business models in order to fix the problem themselves and build more competitive products—including changes in management, renegotiating labor agreements, and reorganizing under the bankruptcy process. And, that they should have been doing so months, if not years, ago.

When I opposed the auto bailout plan last month it was mainly because I felt that the automakers needed to prove to Congress and the American people that they were serious about making the changes necessary to ensure their long-term success before they sought assistance from the taxpayer. Unfortunately, those concerns were ignored by the President when he decided to give away over $17 billion in TARP funds to the domestic automakers with no assurances that they would fundamentally change the way they do business to ensure their viability. I continue to believe that this was a critical mistake.

In their first oversight report on TARP spending, the Government Accountability Office, GAO, was very critical of Treasury stating that they had ''failed to address a number of critical issues while implementing the $700 billion financial bailout plan, including how to ensure its efforts are successful.'' The report adds that Treasury ''has no policies or procedures in place for ensuring the institutions . . . are using capital investments in a manner that helps meet the purposes of the act.'' Additionally, the GAO reported that ''Treasury cannot effectively hold participating institutions accountable for how they use the capital injections or provide strong oversight of compliance with the requirements under the act.''

In addition to the GAO, many of my colleagues have been very critical of Secretary Paulson and his handling of the first half of the TARP funds, stating that he has ignored the intent of the bailout legislation because he has done little to address the root cause of the financial meltdown—namely the mortgage market. I understand the anger of my colleagues, indeed, I share it.

It is abundantly clear that there has been a stunning lack of transparency, accountability, and effective management of TARP funds to date. Because of this, I will not support the release of another dime of these funds without first seeing a full and complete accounting of funds already spent or committed as well as the imposition of very strict conditions on the remaining funds as a way to ensure any expenditures reflect the intent of Congress.

Madam President, I ask unanimous consent to have the letters to which I referred printed in the RECORD.

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

REQUESTING A TARP DISAPPROVAL RESOLUTION

JANUARY 15, 2009.

U.S. CONGRESS,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpaying citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining $350 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless resolved to support it. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson abandoned this concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.

In addition to misleading Congress about his intent on the use of TARP funds, Secretary Paulson has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.

The TARP legislation specifically requires that before the second half of the $700 billion is released, the President provide Congress with a written report detailing how the additional funds are to be used. A request to spend the second half of the funds without restraint does not meet the requirements set forth in the bill. In addition to requiring this detailed plan, Congress should require an accounting and detailed explanation on how the initial TARP funds have been used and the prospect of a taxpayer recovery of these funds.

Congress now has an opportunity to preserve some of the taxpayers' assets and should spend the necessary time studying the underlying causes of the economic down-

turn by passing a TARP disapproval resolution. We encourage you to take such action.

Sincerely,

African American Republican Leadership Council, Alex-St. James, Chairman; American Shareholders Association, Ryan Ellis, Executive Director; Americans for Limited Government, William Wilson, President; Americans for Tax Reform, Grover Norquist, President; Americans for the Preservation of Liberty, Mark Chmura, Executive Director; America's Survival, Inc., Cliff Kincaid, President; Center for Fiscal Accountability, Sandra Fabry, Executive Director; Center for Investors and Entrepreneurs, John Berlau, Director; Citizens United, David N. Bossie, President; Coalition for a Conservative Majority, Ken Blackwell, Chairman.

Competitive Enterprise Institute, Fred L. Smith, Jr., President; Council for America, Ron Pearson, President; Council for Citizens Against Government Waste, Thomas Schatz, President; Family Research Council, Thomas McClusky, VP for Government Affairs; Federal Intercessors, Mark Williamson, President and Founder; Free Market Foundation, Kelly Shackelford, Esq., President; FRC Action, Connie Mackey, Senior VP; Maryland Center-Right Coalition, Richard W. C. Falknor, Chairman.

Minuteman Civil Defense Corps., Carmen Mercer, Vice President; Minuteman Foundation, Carmen Mercer, President; National Center for Public Policy Research, Amy Ridenour, Chairman; National Taxpayers Union, Duane Parde, President; RedState.com, Erick Erickson, Editor; RightMarch.com, Dr. William Greene, President; The FlashReport Website on CA Politics, Jon Fleischman, Founder; The Inspiration Networks, Ron Shuping, Executive VP of Programming.

WHERE'D THE BAILOUT MONEY GO? SHHHH, IT'S A SECRET

(By Matt Apuzzo, Dec. 22, 2008)

WASHINGTON (AP).—Think you could borrow money from a bank without saying what you were going to do with it? Well, apparently when banks borrow from you they don't feel the same need to say how the money is spent.

After receiving billions in aid from U.S. taxpayers, the nation's largest banks say they can't track exactly how they're spending it. Some won't even talk about it.

''We're choosing not to disclose that,'' said Kevin Heine, spokesman for Bank of New York Mellon, which received about $3 billion.

Thomas Kelly, a spokesman for JPMorgan Chase, which received $25 billion in emergency bailout money, said that while some of the money was lent, some was not, and the bank has not given any accounting of exactly how the money is being used.

''We have not disclosed that to the public. We're declining to,'' Kelly said.

The Associated Press contacted 21 banks that received at least $1 billion in government money and asked four questions: How much has been spent? What was it spent on? How much is being held in savings, and what's the plan for the rest?

None of the banks provided specific answers.

''We're not providing dollar-in, dollar-out tracking,'' said Barry Koling, a spokesman for Atlanta, Ga.-based SunTrust Banks Inc., which got $3.5 billion in taxpayer dollars.

Some banks said they simply didn't know where the money was going.

''We manage our capital in its aggregate,'' said Regions Financial Corp. spokesman Tim Deighton, who said the Birmingham, Ala.-based company is not tracking how it is spending the $3.5 billion it received as part of the financial bailout.

The answers highlight the secrecy surrounding the Troubled Asset Relief Program, which earmarked $700 billion—about the size of the Netherlands' economy—to help rescue the financial industry. The Treasury Department has been using the money to buy stock in U.S. banks, hoping that the sudden inflow of cash will get banks to start lending money.

There has been no accounting of how banks spend that money. Lawmakers summoned bank executives to Capitol Hill last month and implored them to lend the money—not to hoard it or spend it on corporate bonuses, junkets or to buy other banks. But there is no process in place to make sure that's happening and there are no consequences for banks that don't comply.

''It is entirely appropriate for the American people to know how their taxpayer dollars are being spent in private industry,'' said Elizabeth Warren, the top congressional watchdog overseeing the financial bailout.

But, at least for now, there's no way for taxpayers to find that out.

Pressured by the Bush administration to approve the money quickly, Congress attached nearly no strings to the $700 billion bailout in October. And the Treasury Department, which doles out the money, never asked banks how it would be spent.

''Those are legitimate questions that should have been asked on Day One,'' said Rep. Scott Garrett, R–N.J., a House Financial Services Committee member who opposed the bailout as it was rushed through Congress. ''Where is the money going to go to? How is it going to be spent? When are we going to get a record on it?''

Nearly every bank AP questioned—including Citibank and Bank of America, two of the largest recipients of bailout money—responded with generic public relations statements explaining that the money was being used to strengthen balance sheets and continue making loans to ease the credit crisis.

A few banks described company-specific programs, such as JPMorgan Chase's plan to lend $5 billion to nonprofit and health care companies next year. Richard Becker, senior vice president of Wisconsin-based Marshall & Ilsley Corp., said the $1.75 billion in bailout money allowed the bank to temporarily stop foreclosing on homes.

But no bank provided even the most basic accounting for the federal money.

Some said the money couldn't be tracked. Bob Denham, a spokesman for North Carolina-based BB&T Corp., said the bailout money ''doesn't have its own bucket.'' But he said taxpayer money wasn't used in the bank's recent purchase of a Florida insurance company. Asked how he could be sure, since the money wasn't being tracked, Denham said the bank would have made that deal regardless.

Others, such as Morgan Stanley spokeswoman Carissa Ramirez, offered to discuss the matter with reporters on condition of anonymity. When AP refused, Ramirez sent an e-mail saying: ''We are going to decline to comment on your story.''

Most banks wouldn't say why they were keeping the details secret.

''We're not sharing any other details. We're just not at this time,'' said Wendy Walker, a spokeswoman for Dallas-based Comerica Inc., which received $2.25 billion from the government.

One didn't even want to say they wouldn't say.

Heine, the New York Mellon Corp. spokesman who said he wouldn't share spending specifics, added: ''I just would prefer if you wouldn't say that we're not going to discuss those details.''

The banks which came closest to answering the questions were those, such as U.S. Bancorp and Huntington Bancshares Inc., that only recently received the money and have yet to spend it. But neither provided anything more than a generic summary of how the money would be spent.

Lawmakers say they want to tighten restrictions on the remaining, yet-to-be-released $350 billion block of bailout money before more cash is handed out. Treasury Secretary Henry Paulson said the Department is trying to step up its monitoring of bank spending.

''What we've been doing here is moving, I think, with lightning speed to put necessary programs in place, to develop them, implement them, and then we need to monitor them while we're doing this,'' Paulson said at a recent forum in New York. ''So we're building this organization as we're going.''

Warren, the congressional watchdog appointed by Democrats, said her oversight panel will try to force the banks to say where they've spent the money.

''It would take a lot of nerve not to give answers,'' she said.

But Warren said she's surprised she even has to ask.

''If the appropriate restrictions were put on the money to begin with, if the appropriate transparency was in place, then we wouldn't be in a position where you're trying to call every recipient and get the basic information that should already be in public documents,'' she said.

Garrett, the New Jersey congressman, said the nation might never get a clear answer on where hundreds of billions of dollars went.

Mr. KOHL. Madam President, the Senate is voting to release the final $350 billion of funds to the Department of Treasury for the Troubled Asset Relief Program, TARP, a move I reluctantly supported.

Since Congress passed the Emergency Economic Stabilization Act of 2008, the public and elected officials have become increasingly frustrated with how the Treasury Department implemented the TARP. The Treasury has implemented little to no oversight, required no transparency from banks receiving funds and has done very little to stem the rising foreclosure problem. A total of 87 financial institutions have received funds from the Treasury Department, including four from Wisconsin. When I asked the Wisconsin banks to show me how they used the Treasury funds they were happy to share how they were combating the financial crisis. For example, Associated Banc-Corp increased their mortgage loan activity by 20 percent. Marshall and Ilsey implemented a 90-day foreclosure moratorium in order to provide assistance to at-risk homeowners. These banks are an example of how the TARP program is injecting credit back into the market. Unfortunately, not every bank is following their example.

The current administration has failed to create regulations to monitor the funds and ensure that the taxpayer dollars are being used appropriately to unfreeze the credit markets and assist at-risk homeowners. I was very concerned about extending the incoming administration the additional funds

without any assurances or clear plans on how to increase transparency, oversight and lending. Thankfully, the President-elect and his advisors have sent Senator REID a letter clearly laying out new measures creating transparency, refocusing the funds on foreclosures, and protecting taxpayer investments. As we move forward, I am confident that Congress and the new administration will work together to continue to promote economic stability, preserve homeownership, and protect taxpayer interests.

Mr. SPECTER. Madam President, I have sought recognition to discuss the resolution of disapproval on the release of the final $350 billion of the economic rescue package.

At the outset, I am dissatisfied with the way the first $350 billion has been spent because of failure to deal with the home mortgage issue, the ineffectiveness in restoring normal lending to consumers and businesses, and the lack of transparency. The Treasury Department started off by stating that it would purchase toxic securities backed by troubled home mortgages but has since shifted to providing funds for the banks, some of which didn't want them. That didn't loosen up the credit market. One of the key problems has been foreclosures, which the first $350 billion hasn't begun to deal with. Good ideas like FDIC Chairwoman Bair's have been rejected.

As a matter of public policy, I am opposed to bailouts. In our free enterprise system, the market, not the Government, should determine winners and losers. However, there is a necessary exception when the potential consequences of failing to provide Federal economic aid could produce a devastating effect on the economy. That was the basis for the very tough vote which I cast in supporting the $700 billion economic stabilization package because I felt that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy.

I objected to the process used to consider the $700 billion package. Insufficient consideration by the Treasury Department and the Federal Reserve followed by a rush to judgement by Congress resulted in legislation that had not been given appropriate consideration. I wrote a series of letters and advocated for the Senate to follow regular order, which starts with the introduction of legislation, committee hearings and markup, debate and amendment by individual Members, and the House-Senate conference. The President then reviews the final bill.

Ultimately, Congress did not follow regular order. Instead, Senators were only given a chance to vote yes or no on what started as a 4-page memorandum from the Treasury Department and quickly grew to 414 pages. As a result, the bill included undesirable pork provisions. Had there been an opportunity to offer amendments, these undesirable provisions could have been removed. In a series of town meetings in October, I found the temperature of my constituents at 212 degrees Fahrenheit.

We are now confronted with a decision of whether to release the final $350 billion installment of the program. The authorizing legislation passed by Congress in October did not release the entire $700 billion immediately, but instead there have been installments of $250 billion, $100 billion at the request of the President and $350 billion more subject to congressional objection. At the time, I raised concerns that a resolution of disapproval by Congress on the final $350 billion may be unconstitutional under the Supreme Court decision in INS v. Chadha. The resolution of disapproval requires a majority vote in both Houses for adoption and is subject to a veto by the President.

In coming to a determination of how to vote on the resolution of disapproval, I felt it important to evaluate the effectiveness of the program to date, whether the outgoing administration has carried out its responsibilities as intended by Congress, the intentions of the incoming administration to utilize the program, and the necessity for further market stabilization based on current economic conditions.

The $700 billion economic rescue was requested by the administration in September as major financial institutions were threatened with failure as a result of toxic assets on their balance sheets. Treasury Secretary Paulson and Federal Reserve Chairman Bernanke warned of an imminent meltdown in financial markets which would threaten retirement funds, jeopardize the jobs of millions of Americans, and subject homeowners to more evictions. Major institutions such as Bear Stearns, Lehman Brothers, and AIG had already reached a tipping point, and the Federal Government began making decisions on a case-by-case basis of whether to extend assistance. The stock market followed each move closely. It was argued that unless financial institutions were able to sell off securities backed by souring assets such as subprime mortgages there would be additional failures that would jeopardize the worldwide markets in an irreversible manner.

After enactment in early October, the Treasury Department quickly began implementation of the Troubled Asset Relief Program, or TARP as it came to be known. In what was widely seen as a reversal of position, on October 14, 2008, the Treasury Department announced that $250 billion would be devoted to purchasing senior preferred shares in financial institutions as part of the Capital Purchase Program, CPP, to ''encourage U.S. financial institutions to build capital to increase the flow of financing to U.S. businesses and consumers and to support the U.S. economy.'' According to a January 14, 2009, article in the New York Times, 257 financial institutions in 42 states had received $192 billion in capital injections from the CPP, with 7 of those firms receiving 62 percent of the funds. Additional funds have been devoted to AIG, $40 billion; Citigroup, $25 billion; the auto industry $19 billion, and to backstop a Federal Reserve program to boost consumer lending, $20 billion.

While these initial investments may be viewed as a success in fending off an outright collapse of our financial markets, there has been little evidence thus far that there has been a loosening of the credit markets resulting in increased lending by banks to consumers and businesses. Instead, there has been widespread dissatisfaction among my constituents that the funds given to banks have been used for global buyouts, as exemplified by Bank of America seeking a larger stake in China Constuction Bank, PNC Financial Services Group taking over National City Corp., and USB acquiring several California lending firms. All three firms received TARP funds. There have even been press reports of participating firms using TARP funds for corporate sponsorships, as exemplified by CitiBank completing a 20-year contract to pay the New York Mets $400 million to name the team's new stadium ''Citi Field'' and by AIG paying the British soccer team Manchester United $125 million for the privilege of having its logo appear on its uniforms.

There has also been inadequate transparency and accountability thus far, which was demanded by the taxpayer when Congress enacted the authorizing legislation. My constituents have been frustrated to learn so little about how their money is being used by these financial institutions and about the amount of lending that is taking place. I supported the $700 billion economic rescue package because I felt that the failure of Congress to take some decisive, substantial action would run the risk of dire consequences to the U.S. economy. However, I was also led to believe that there would be significant oversight and transparency to accompany the broad powers that have been granted.

This lack of transparency presents a serious challenge to the oversight panels created as part of the authorizing legislation. According to a December 2, 2008, Government Accountability Office, GAO, report, the Treasury Department has not yet imposed reporting requirements on the participating financial institutions. Doing so would enable Treasury to monitor how the infusions were being used and whether they are meeting the goals of increasing the flow of financing to U.S. businesses and consumers and encouraging the modification of existing residential mortgages for those in need. The GAO report also raised questions about Treasury efforts in achieving its intended goals and monitoring compliance with limitations on executive compensation and dividend payments.

The five-member Congressional Oversight Panel, COP, created to oversee the implementation of the economic

rescue program has been very critical thus far, suggesting that more accountability should be in place before the final $350 billion is released. The panel is chaired by Harvard professor Elizabeth Warren, and its other members are Representative JEB HENSARLING, NY State superintendent of banks Richard Neiman, AFL–CIO associate counsel Damon Silvers, and former Senator John Sununu. On December 10, the panel released its first report which contained 10 questions for the Treasury Department. Its second report, released on January 9, 2009, analyzed Treasury's answers and stated that its ''initial concerns about the TARP have only grown, exacerbated by the shifting explanations of its purpose and the tools used by the Treasury.'' It reported that Treasury still has not adequately explained how it is selecting banks for its capital injection program or its strategy for stabilizing the financial markets. It acknowledged that the TARP has forestalled a financial collapse, but with ''no demonstrable effects on lending.'' Also, it said that Treasury has no ability to ensure banks lend the money they have received and no standards for measuring the success of the program. It also noted that Treasury ignored or offered incomplete answers to some questions.

The authorizing legislation also created a Special Inspector General with authority to track and investigate how the Government spends the TARP funds. The President selected, and the Senate confirmed, Neil M. Barofsky, a former New York assistant U.S. attorney, for this position. According to a January 7, 2009, letter to Finance Committee Chairman BAUCUS, Mr. Barofsky has had some success in pushing Treasury to include more restrictions on any funds given out in future transactions. As a result, the letter said, Treasury had included new standards that will force companies to establish new internal controls and account for the Government funds they receive. Mr. Barofsky's first formal report is due to the Finance Committee on February 6, 2009.

There is further frustration from an investigation conducted by the Associated Press, AP, showing that there has been insufficient transparency into the operations of the banks that have received TARP funds. The AP contacted 21 banks that received at least $1 billion in Government money and asked four basic questions: How much has been spent? What was it spent on? How much is being held in savings? And, what is the plan for the rest? According to the AP, none of the banks provided specific answers. If the oversight panels are unable to get answers to these very basic questions posed by the AP, they will be unable to adequately determine the effectiveness of the TARP program.

I believe that the onus is on the Treasury Department and the Federal Reserve to impose reporting requirements on the participating financial institutions. It is imperative that the American public have a full understanding of how their hard earned tax dollars are being used. In the absence of action by the Treasury Department to impose satisfactory reporting requirements by participating financial institutions, Congress has been forced to consider taking additional legislative action. I cosponsored legislation—S. 133, the Troubled Asset Recovery Program Transparency Reporting Act—introduced on January 6, 2009, by Senators DIANNE FEINSTEIN and OLYMPIA SNOWE that would require participating financial institutions to provide detailed, publically available quarterly reports to the Treasury outlining how the funds have been used. This legislation further requires that TARP funds not be used for lobbying expenditures or political contributions. Additionally, this legislation requires the Secretary of the Treasury to develop and publish corporate governance principles and ethical guidelines for recipients of such funds, including but not limited to restrictions governing the hosting, sponsorship, or payments for conferences and event, and expenses relating to entertainment or similar ancillary corporate expenses. Violators of this legislation would be subject to civil penalties including fines and may become ineligible for future emergency economic assistance.

I have additional concerns that there has been little emphasis on foreclosure mitigation assistance in the TARP program. On November 14, 2008, FDIC Chairman Sheila Bair proposed a plan to forestall foreclosures by offering banks an incentive to modify mortgages by having the Government agree to share in the loss of a loan that fell into default. Specifically, mortgage payments for homeowners that are at least 2 months delinquent would be reduced to between 31 and 38 percent of monthly income by modifying the interest rate, extending the repayment period, and deferring principle. To encourage servicers to participate, the Government would share up to 50 percent of the losses if a homeowner who had received a modification later defaulted, and the FDIC would pay servicers who process mortgages $1,000 for each modified loan. The plan was expected to initially help 2.2 million borrowers get new loans, and after some borrowers redefaulted, 1.5 million would ultimately keep their homes. The plan was estimated to cost approximately $24 billion.

The FDIC plan was rejected as the Treasury Department looked at other strategies, including ways to reduce interest rates on distressed loans. However, in the end, neither approach has been implemented. They have instead relied on industry-led efforts by Fannie Mae, Freddie Mac, and others to voluntarily modify troubled loans.

In the December 2008 GAO report, it was noted that Treasury had initially intended to purchase mortgage backed securities and use its ownership position to influence loan servicers and to achieve more aggressive mortgage modification standards. The Treasury changed its strategy within weeks and, instead, decided to make capital injections into financial institutions. It also noted that despite language in the lending agreements with these financial institutions to work under existing programs to modify the terms of residential mortgages, ''it remains unclear how [the Treasury's Office of Financial Stability] and the banking regulators will monitor how these institutions are using the capital injections to advance the purposes of this act . . .'' The Congressional Oversight Panel chair Elizabeth Warren echoed this sentiment, ''The bailout money doesn't require a specific approach . . . It entrusts Treasury with developing an approach, and that's what Treasury should be doing.''

The incoming administration has sought to assure Congress that it would make a number of changes to the TARP program, including a ''sweeping effort'' to address foreclosures and reduce mortgage payments for ''responsible homeowners.'' It has promised efforts to boost consumer and business lending. It has also said it will improve transparency and accountability for participating firms. However, there have been few details on exactly how they plan to move forward.

It has been argued that further deterioration in the economy will require additional intervention. Lawrence Summers, who has been chosen to head the National Economic Council by President-elect Obama, has called the need for the second round of funds ''imminent and urgent.'' In addition, it has been argued that a failure to release the second half of the TARP funding could once again frighten the markets and lead to a sharp drop in the Dow. The 777-point plunge in the Dow plunge on September 29, 2008, in the wake of the House's rejection of the legislation, demonstrated the potential for even greater problems if Congress did not act.

Amidst the various criticisms that have been raised against the TARP program and its implementation by the outgoing administration, many economists remain concerned about the state of the financial system. Federal Reserve Chairman Bernanke has expressed concern about the world economy and the financial markets and suggested that foreclosure prevention and purchases of troubled assets might be useful tools to help the economy in the near term. Bernanke also commented that fiscal stimulus would not be enough to support the economy. With respect to the TARP program, Chairman Bernanke said on January 13, 2009, ''. . . Treasury's injection of about $250 billion of capital into banking organizations, a substantial expansion of guarantees for bank liabilities by the Federal Deposit Insurance Corporation, and the Fed's various liquidity programs . . . likely prevented a

global financial meltdown in the fall . . . with the worsening of the economy's growth prospects . . . more capital injections and guarantees may become necessary to ensure stability and the normalization of credit markets.'' He also said, ''Responsible policymakers must therefore do what they can to communicate to their constituencies why financial stabilization is essential for economic recovery.''

Also on January 13, 2009, the Fed Vice Chairman Donald Kohn said, ''The remaining TARP funds will play an essential role in further strengthening the financial system and restoring normal credit flows . . . An important use of these [TARP] funds will be to step up efforts to avoid preventable foreclosures . . . more needs to be done . . . A continuing barrier to private investment in financial institutions is the large quantity of troubled, hard-to-value assets that remain on institutions' balance sheets. The presence of these assets significantly increases uncertainty about the underlying value of these institutions and may inhibit private investment and new lending.''

According to a January 14, 2009, article in the New York Times—mentioned earlier—"Some banking experts are even questioning if the bailout may be doing more harm than good.'' It cited a struggling small bank in Michigan that had made a series of bad loans but had been given a ''cushion'' instead of allowing it to ''sink or swim'' on its own. The articled suggested that by doing so, ''It could also delay mergers of weaker banks with healthier ones.''

With a projected deficit of $1.2 trillion for 2009 and a possible $800 billion expenditure on a stimulus package in the next few weeks, Congress must be vigilant in its use of the taxpayer's dollars. At the current time, there appears to be no immediate threat to our financial system, which raises the question of whether the additional authorization is needed at this time, especially in light of the failures with the program so far.

Based on a comprehensive evaluation of these issues, I am reluctant to support an additional authorization of $350 billion at this time. To date, I have seen little evidence that the TARP program has been effective in increasing lending by the institutions who have received billions in taxpayer dollars. I also have serious questions about the effectiveness of existing programs to help troubled homeowners and whether additional steps should be taken. Further, unless steps are taken to significantly improve oversight and transparency of the TARP program, my constituents and I will not feel confident that we are not simply throwing good money after bad by releasing the final $350 billion. On the current state of the record, I cannot continue to support this program and intend to vote for the resolution of disapproval. In the future, I stand ready to act if it appears that a failure to take decisive, substantial action would run the risk of dire consequences to the U.S. economy.

Mr. GRASSLEY. Madam President, many Senators, including this one, reluctantly supported the Troubled Asset Relief Program last year because we were told by the so-called experts that our financial markets were on the verge of collapse.

We were told that we had to deal with the toxic mortgages that were clogging up our financial markets by having the government purchase them at an auction and hold them until the markets stabilized. The theory was to get these troubled assets off the banks' balance sheets and provide them with additional funds to lend to credit worthy borrowers.

I had serious doubts about the original plan, but it has never been implemented. Instead, the money has been used to invest directly in select financial institutions. Essentially, it has become a slush fund for the Secretary of Treasury to engage in an erratic industrial policy of picking winners and losers among any company directly, or indirectly, connected to our financial markets.

I am deeply troubled by this outcome. I believe Congress was mislead with respect to the financial crisis as well and the intended use of the funds. Moreover, the administration's decision to use funds to provide assistance to the U.S. auto industry was contrary to congressional intent.

The ever-changing nature of the TARP program has introduced a new level of uncertainty into our financial markets. Market participants no longer know when or where the Federal Government will intervene. This unpredictability has a chilling effect on investors and undermines the ability to raise capital and make new loans.

The outgoing administration has misused these funds and failed to provide adequate accountability. But, the vote today is about the use of the remaining funds by the incoming administration. Unfortunately, they have expressed a desire to pursue an even more vigorous policy of picking winners and losers, with an extra dose of micromanagement thrown in for good measure.

The efficient allocation of credit is vital to the successful operation of our economy. Without saving and investment, there can be no long-term economic growth. Banks and other financial institutions serve a critical role in bringing savers and investors together and allocating credit to its most productive use.

To operate successfully, credit markets need transparency and accountability. Transparency is achieved through the reporting and disclosure of assets and liabilities. Accountability is achieved through the proper alignment of risk and reward. Those who accept risk should profit from their success and pay for their losses.

Unfortunately, we have allowed ourselves to undermine the very foundation of our credit markets through a series of well-meaning, but ultimately misguided actions. The continuation of the Troubled Asset Relief Program will not address these fundamental problems. We need a new approach. I'm hopeful Congress will be able to work with the new Administration in the coming months to improve our financial markets and revitalize our economy.

Ms. MIKULSKI. Madam President, before I voted for the bailout I said, regrettably, a bailout is needed. I voted to get credit flowing again to the distressed homeowner, to families and to small businesses. I didn't vote to give the money to banks to enable them to continue their flawed policies, their hubris and their high handedness. And I didn't do it so they could be ungrateful, buy other banks, or give out dividends, and to take executives on spa treatments. I was mad as hell that the Wall Street Master of the Universe took us into a black hole. And I am mad as hell now that they didn't thank the taxpayer.

The Bush administration misled us about what they would do with the money. Now we're finding both they and the banks misused the funds, abused the taxpayer and squandered both the money and the opportunity. I said if we were going to have a bailout we needed three things, rescue, reform, and retribution. I said, no blank checks and no checks without balances, help homeowners, and guarantee no golden parachutes for the people who got us into this mess. Did the Bush administration listen? No. Paulson dodged and ducked, and the taxpayers got duped. Distressed homeowners were left in the lurch. Bernie Madoff is in his luxurious penthouse and homeowners are being foreclosed and evicted. What's wrong with this picture?

We have already given $350 billion to the big banks, who said they were going to lend it, and said they were going to have transparency. But instead, we have gotten hoarding, and resistance. Banks don't want to tell us what they are doing with our money. When I voted for the rescue plan, I thought I was voting for dealing with the credit crisis, and bringing the financial system to some form of stability. But what has happened is, instead of helping with jobs, we have been helping with banks.

The banks said we want taxpayer money and we want it our way or the highway. But thankfully, on Tuesday it's going to be a new day and a new way. Obama met with us this week on his economic agenda. We had a robust give and take. The number one priority we agreed upon is job creation. We need to make sure that for people who have jobs, they get to keep them and feel more economic security. And for people who are out of work, not only to provide a safety net on unemployment benefits, but create opportunities for returning to work or even new jobs. We need to give President Obama the tools he needs to get our economy going again. We shouldn't hold the misdeeds

of the Bush administration against him.

We need to work together. People don't want to talk about butting heads, they want to talk about kicking butt with the banks. And the President-elect and I agree on that. I see myself helping President-elect Obama kicking butt, to work with people who are in danger of losing their homes, not with a bailout but with a workout. The banks have to get off the bailout shtick, and start to get on the workout shtick with homeowners.

This week, the President-elect huddled with us, to talk about how his plan is different than the previous administration. We need vigilance and responsibility that's what President Obama has pledged. Three major areas that we will work with the Obama administration are number one, oversight and regulation. We will put real financial cops on the beat to make sure money goes where it is supposed to. Number two, a sweeping, comprehensive effort to address the foreclosure crisis, we will use TARP money to get to the root of the crisis, keep people in their homes, and save neighborhoods. Number three, get tough and insist on transparency. Banks cannot just take the money and run. The new plan will make them tell us what they are doing, no dividends, no giving money to banks to buy other banks, no golden parachutes, and no spa treatments.

I will vote for the additional TARP money. Not because I support the banks and Wall Street, but because I support our new President, and because I support giving him the tools to get our economy rolling again. But we need a major attitude adjustment. It is not only what we hear from the banks, it is what we do not hear from them. There is no sense of gratitude. There is no sense of gratitude that the waitress, the single mother, the farmer, the firefighter, is willing to help. There is no gratitude, no remorse, no promise to sin no more, no ''let's make amends.'' Instead, they pay themselves lavish salaries, bonuses and perks, like lavish spa retreats.

At $350 billion, I don't want to be a passive investor. Congress and the new President must tell Wall Street, ''You need to go to work and dig out of this mess. Help rescue the economy, not the Wall Street managers.'' Work for America, it is America that is paying your salaries. Give us your best thinking. Give us your energy. It is time to restore our economy and restore our national honor. So pull up your pants and your pantsuits, and go to work and let's rebuild this economy!

Mr. BYRD. Madam President, I will oppose the joint resolution of disapproval and vote to release these funds, but I do so adding my voice to those putting the incoming administration on notice.

This is an enormous sum of money and authority being given to the Treasury Department, and it is especially worrisome because the American public has little confidence in this program. Its transactions are opaque. Its potential for abuse is enormous. Its effect on the economy remains uncertain.

According to the public letter sent this week to the House and Senate leadership, the incoming Obama administration's economic team has committed to a ''full and accurate accounting'' of how these monies are invested and ensuring that these resources are not ''enriching shareholders or executives.'' The House of Representatives today is considering legislation to hold the new administration to its commitments, and I hope the Senate will do the same.

Other promises and commitments are being made, at private briefings and closed-door caucuses, as the new administration tries to cajole Senators to oppose this disapproval resolution. That is unfortunate because I believe it further undermines an already questionable program, which could use more transparency, and not less. I realize that the new administration inherited this financial mess and that it is trying to do the best with the hand that it has been dealt. But I hope that it will learn from the mistakes of the outgoing administration and, instead, have faith in the wisdom of an informed public.

Having authorized this program only 15 weeks ago, I think the Congress should give it time to work. By any objective measure, the economy is getting worse. West Virginia's unemployment rate is rising, and it has lost hundreds of manufacturing jobs in recent months. In the last 2 months, Toyota announced that it would lay off 120 workers at its plant in Buffalo. An Ohio-based packaging manufacturer announced it would close its plant in Culloden, laying off 41 workers. The Bayer MaterialScience plant in New Martinsville, which makes polymers that are used in the automobile and housing industries, announced it would lay off 70 workers. Columbian Chemical Company announced that it would close its plant near Moundsville, laying off 55 workers.

If the new administration says it needs these tools, then I am willing to give it some latitude. But I caution this administration, the American people must have transparency. They must see effective oversight. They must have confidence that this is not another Ponzi scheme, concocted by Madoff-type, money-hungry, Wall Street fat cats, who don't care about anything except lining their own pockets.

If the new administration gets this money, it must do better than its predecessor. We have just lived through one failed administration. We cannot afford to live through another.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, there are moments in the Senate that are memorable, but the most memorable moment for me in the last several months occurred in the conference room of Speaker NANCY PELOSI when we were called in, Democrats and Republicans, House and Senate leaders, and sat around a large conference table facing the Secretary of the Treasury, Hank Paulson, and the head of the Federal Reserve, Ben Bernanke. They opened the meeting by saying that America is facing an economic crisis that no one in this room has ever seen, which will spin out of control, reaching across the world, creating economic consequences you cannot even envision, unless we act and act now. You could have heard a pin drop in that room. They said we need hundreds of billions of dollars to put into the banking system for credit, and we have to do it as quickly as possible or you are going to see major corporations in America fail, thousands of jobs lost, and an economic recession bordering on a recession. The choice was clear at the end of the day. In light of that circumstance and the clear failure of these major institutions, we had two choices: do something or do nothing.

I chose to do something. I voted for this TARP plan—a strong bipartisan vote, Democrats and Republicans—and said we have to do something, we can't let this happen to our economy and businesses and let families and individuals suffer for a long time to come.

We put in conditions and said: We will split it. Of the $700 billion, you can spend the first $350 billion, but you have to come back and ask us for the second half, and we will decide whether you have spent it well.

Time passed, and here we are. There is a request from President Bush for the remaining $350 billion, but we clearly know he won't spend it. It is money that can be spent, may be spent by the new President, Barack Obama—by the new administration. Do we need it? Are we still facing an economic crisis? Today in America, 17,000 Americans lost their jobs, 11,000 lost their health insurance, and 9,000 saw their homes go into mortgage foreclosure. Oh, it isn't just another bad day in America, it is a pattern that has developed since we were told last September what was happening to our economy.

There are those on the other side who say the best thing, in light of this economic situation, is to do nothing. I am not one of them. As badly and poorly managed as those funds were—the first $350 billion—I happen to be one of those people, one of those voters, and one of those Senators who said to America: Give us a new leader, give a new team a chance to change this country. A majority of the American people said that is the right thing to do, and they elected Barack Obama and JOE BIDEN. They are asking for this money not to use it the wrong way, the old way, an imperfect way, but to use it with transparency so that the American people can see what is being done to stabilize this economy, to stop this hemorrhaging of jobs, to create some credit

so that businesses can survive, and to inject perhaps hundreds of billions of dollars into mortgage foreclosure so that people can stay in their homes and the real estate market bottoms out.

Listen, if we don't do that, this is going to go from bad to worse, and 17,000 jobs a day lost in America could double—yes, it could—by doing nothing. And those who vote yes on this are standing for that premise: Do nothing. Don't trust this new President. Don't trust this new administration. Just wait, things are bound to get better.

I am not one of them. I want to give President Obama the tools he needs to breathe life back into this economy, to give working families a fighting chance, to create good-paying jobs in this country, to give small businesses a chance to survive, to provide a decent income and some benefits for their workers, and maybe to preserve some basic industry in this country so there still are manufacturing jobs in America. We can't achieve that by doing nothing.

As badly as this money has been managed—the first $350 billion—we have to look forward. Some of the people who managed the first $350 billion could not imagine an America without the giants, such as Goldman Sachs. I can't imagine America without our middle class, without working families, who really form the basis, the bedrock, the foundation for the growth of our economy and the growth of our democracy.

I am going to be voting with the faith that this new administration, with new leadership and new eyes and new vision and new values, will invest this money properly so that we can turn this economy around and build a strong American future.

Madam President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, as the distinguished Senator from Illinois said, this election was supposed to be about change. Yet his speech is eerily reminiscent. It is exactly the same speech that was given on behalf of giving the Bush Administration a blank check a few months ago. It seems to me absolutely nothing has changed.

A few months ago, we were told we are in a crisis, you need to act, you can't wait. You need to act immediately, and you need to give us unfettered discretion. The times demand that. Trust us.

Well, several months later, we have seen the result of that open checkbook, that unfettered discretion, that broad-based trust without any parameters, without any meaningful protection in writing. There has been mistake after mistake and embarrassment after embarrassment and a complete lack of accountability in the TARP. Yet here we are again today debating the second half of this huge $700 billion program.

Even though we supposedly conducted a historic election based on the theme of change, it is exactly the same speech: We are in a crisis; we can't wait; we need to rush to judgment; give us an open checkbook; give us unfettered discretion; and trust us. Well, there is an old expression: Fool me once, shame on you; fool me twice, shame on me. The American people are not going to be fooled twice. The question is, Is the Senate going to be fooled twice?

An open checkbook, unfettered discretion, and ''trust us'' simply isn't good enough. I am not questioning the sincerity of anyone either in the Bush Administration or the incoming Obama Administration. But it isn't good enough with $700 billion of taxpayer funds, particularly given the history of the last several months.

One of the major protections that was put in the original legislation that was much ballyhooed was the Congressional Oversight Panel. That Congressional Oversight Panel was supposed to track what was done in the TARP, issue reports, and demand accountability. Well, they have done their job and they have issued a significant report. The problem is, the report makes crystal clear there is no accountability.

The first main issue the Congressional Oversight Panel examined was bank accountability: What are banks doing with the money? Are they using the money in a way that was intended, particularly to increase credit availability to citizens and businesses? The Congressional Oversight Panel's bottom-line conclusion on that is pretty simply stated:

> The panel still does not know what the banks are doing with taxpayer money.

It couldn't be stated more clearly. The Treasury doesn't know, the oversight panel doesn't know, nobody knows.

The Associated Press, on December 22, issued a report about an investigation of 21 banks and what they were doing. They mostly didn't get any answers, but Morgan Chase, which received $25 billion, gave this detailed, sophisticated answer:

> We have lent some of it, we have not lent some of it. We have not given any accounting of saying here is how we are doing it.

Period. In fact, Treasury has the authority to require banks to report on their use of funds as a condition for the receiving of funds. Guess what. Treasury declined to make that requirement.

Point No. 2 of the report: transparency and asset evaluation. TARP was, in large part, to shore up healthy banks. Yet there is no metric, there is no rule written anywhere about how Treasury is determining what a healthy bank is.

Point No. 3: general strategy. TARP has been a moving target. The whole model has changed week to week. In fact, we still call it TARP—the Troubled Asset Relief Program—but that idea was thrown out the window 2 weeks after Congress originally passed the program. So the Congressional Oversight Panel had another basic question: What is the general strategy as to how you are going to stabilize the economy? What are you focused on? Why should that be the focus? And rather than providing any detailed explanation, Treasury's explanation was that they are working to ''stabilize the economy.'' Well, that is a lot of detail. That is accountability. That makes me feel better.

This has been the history of the TARP, and the question is, Are we going to allow it to remain the history and move on to the second $350 billion of taxpayer funds?

I am not a banking or financial expert and I do not own a crystal ball. I can't see into the future. I can't predict what crises will or will not occur in the economy. And I am not saying this economy is turning the corner and is improving and we don't have many challenges ahead. But I can predict this: If we don't pass this resolution of disapproval, nothing will change in the TARP. There will continue to be no accountability, the whole program will change its focus from week to week, and we will waste a huge amount of that $700 billion of taxpayer funds.

Again, we come back to where we were just a few months ago: We are in a crisis; you have to act; you can't even wait until tomorrow; you have to pass this blank check; unfettered authority; trust us.

Even with an intervening election that was supposed to be about change, the question remains: Are we going to change or not? Are we going to go down precisely the same path? The American people had serious questions and concerns the first time around. If we accept that speech again—oh, we are in a crisis; you need to act immediately; open checkbook; unfettered discretion; trust us—if we buy that the second time around, they are not going to be perturbed, they are going to go through the roof, and so they should because they have good old-fashioned American common sense. They will say, ''Fool me once, shame on you; fool me twice, shame on me.''

That is what we face here in the Senate. We must demand a clearly defined program. We must demand real accountability. We must demand real protections for the taxpayer. And the only way we will get any of that, any of it, is to pass this disapproval resolution and demand that be put in statute, in law, and not simply be a passing promise.

I urge all my colleagues not to be fooled again, to stand up for real accountability, to stand up for the taxpayer, and, yes, to be ready to act in uncertain times but to say no to an open checkbook, to unfettered discretion, and to mere promises that things will be better and mere pleas to trust us.

Madam President, I understand the majority leader is coming to speak for

the other side, so I will retain the floor until then.

Madam President, again, to me, that is the question. It is not about whether you think the economy is healthy—put me down for an unhealthy economy. It is not about whether we think there are rosy times ahead or there may be serious problems. Put me down for there may well be very serious problems. In fact, put me down for there are going to be, we just don't know precisely what they are going to be.

But that does not justify what we have before us. That does not justify an open checkbook, unfettered discretion, and mere acceptance of promises and pleas to trust us.

The American people are demanding something far more than that, and they deserve something far more than that. The question is, Is anything going to change? After 2 years of debates about change, the question is, Is anything going to change? Continuing down this path to the second half of the TARP program would represent a complete lack of change. It would represent complete continuity between one administration and the next. It would represent complete continuity between one Wall Street Treasury Secretary and the next, complete continuity between mere promises and pleas to trust us, and nothing more than that.

Put me down for wanting change. Put me down for demanding change. This is the time and the place to do it. Obviously, change in this program can only occur if we pass this disapproval resolution. Change will never occur if we defeat it because then the new administration will have a blank check, it will have unfettered discretion, it will have our answer to ''trust us''—Sure, why not? When any administration has that, they are not going to restrict themselves, they are not going to put more rules in place, they are not going to tie their own hands. By definition, any administration wants to maximize that unfettered discretion, that open checkbook. The question is, Are we going to not demand change and give them that? Or make change happen right here, right now, with regard to this central new program, in terms of our struggling economy?

Madam President, I ask unanimous consent to have printed in the RECORD this two-page letter from 26 broad-based economic, financial, and other citizen groups from around the country, requesting in very clear, strong terms our passage of the TARP disapproval resolution.

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

AN OPEN LETTER TO THE UNITED STATES CONGRESS REQUESTING A TARP DISAPPROVAL RESOLUTION

JANUARY 15, 2009.

U.S. Congress,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the millions of taxpaying citizens represented by the public interest organizations below, we write to strongly encourage you to swiftly pass a notice of disapproval on releasing the remaining $350 billion in Troubled Asset Relief Program (TARP) funds.

From the beginning, the TARP plan was questionable, but a number of Members nonetheless resolved to support it. It should be clear now that this was a mistake.

The stated purpose of the TARP was to purchase toxic mortgage assets. Secretary Paulson abandoned this concept immediately after the signing ceremony. The TARP was also designed to reintroduce the flow of credit into the market and help stabilize Wall Street. To date, neither has been accomplished.

In addition to misleading Congress about his intent on the use of TARP funds, Secretary Paulson has invaded the free market, propping up some companies to the detriment of others and purchasing stock in banks without requiring accountability or transparency about the use of taxpayer funds.

The TARP legislation specifically requires that before the second half of the $700 billion is released, the President provide Congress with a written report detailing how the additional funds are to be used. A request to spend the second half of the funds without restraint does not meet the requirements set forth in the bill. In addition to requiring this detailed plan, Congress should require an accounting and detailed explanation on how the initial TARP funds have been used and the prospect of a taxpayer recovery of these funds.

Congress now has an opportunity to preserve some of the taxpayers' assets and should spend the necessary time studying the underlying causes of the economic downturn by passing a TARP disapproval resolution. We encourage you to take such action.

Sincerely,

African American Republican Leadership Council, Alex-St. James, Chairman; American Shareholders Association, Ryan Ellis, Executive Director; Americans for Limited Government, William Wilson, President; Americans for Tax Reform, Grover Norquist, President; Americans for the Preservation of Liberty, Mark Chmura, Executive Director; America's Survival, Inc., Cliff Kincaid, President; Center for Fiscal Accountability, Sandra Fabry, Executive Director; Center for Investors and Entrepreneurs, John Berlau, Director; Citizens United, David N. Bossie, President; Coalition for a Conservative Majority, Ken Blackwell, Chairman; Competitive Enterprise Institute, Fred L. Smith, Jr., President; Council for America, Ron Pearson, President; Council for Citizens Against Government Waste, Thomas Schatz, President; Family Research Council, Thomas McClusky, VP for Government Affairs; Federal Intercessors, Mark Williamson, President and Founder; Free Market Foundation, Kelly Shackelford, Esq., President; FRC Action, Connie Mackey, Senior VP; Maryland Center-Right Coalition, Richard W. C. Falknor, Chairman; Minuteman Civil Defense Corps., Carmen Mercer, Vice President; Minuteman Foundation, Carmen Mercer, President; National Center for Public Policy Research, Amy Ridenour, Chairman; National Taxpayers Union, Duane Parde, President; RedState.com, Erick Erickson, Editor; RightMarch.com, Dr. William Greene, President; The Flash Report Website on CA Politics, Jon Fleischman, Founder; The Inspiration Networks, Ron Shuping, Executive VP of Programming.

Mr. VITTER. Madam President, with the arrival of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, it is in times of unusual strain and challenge that we are called upon to prove ourselves, as people, as Senators, as a country. With our economy struggling and the American people suffering, most Senators have risen to the challenge.

I would like to take a minute, though, to particularly speak of Senator CHRIS DODD, Chairman DODD of the Banking Committee. He and his staff spent seemingly endless days and nights, working on the rescue plan we passed last year. We thought that would be all for a while. But now that we are in this state of crisis again, Senator DODD is the face and voice of our response to this financial crisis. I have such admiration and respect for Senator DODD as one of the fine orators of the Senate, and that is something everyone sees. But what we do not see is his skill as a legislator, behind doors, in his committee and working with us. And he has done a great job working with Senator SHELBY. They don't always also agree, but they treat each other civilly, and they set the standard for the rest of us. Senator DODD is to be recognized, as I do, for yeoman's work on this legislation.

On the Republican side, it is important to focus on Senator JUDD GREGG. He deserves enormous credit as well during these last few weeks, working on this extension of Troubled Asset Relief Program.

I have been tremendously impressed with President-elect Obama. As his campaign wore on—and it was a long campaign—the American people came to realize this was a unique individual, somebody extremely brilliant academically, someone who could communicate very well, and someone who worked hard and developed the trust of the American people. I have been impressed with his campaign but also with his team and their efforts to secure the second half of the Troubled Asset Relief Program, or TARP. If the actions of the President-elect on TARP are any indication, a new day is dawning in Washington, DC, and a good day, a bright day.

President-elect Obama didn't have to take the step he did. This was a test of leadership at a time when leadership is desperately needed in our country. In this early test whether our new President will stand for what is right, not just for what is easy, President-elect Obama passed with flying colors. He and his economic team came to Capitol Hill repeatedly these past weeks, not just for a photo opportunity but to engage in real negotiations. The Obama administration generally sought the involvement of Democrats and Republicans, treating them not as adversaries or roadblocks to progress but as partners in the legislative process.

I appreciate the willingness of Republicans to work with him and to work with us to pass this legislation. I do not know how many votes we are going to get from the Republicans, but we will get some votes and every one of them is needed and I appreciate that.

I understand the legitimate concerns of Members over the way the first half of the Troubled Asset Relief Program funds have been spent. We in Congress must never forget the funds we allocate to this program belong to the American taxpayers. It is not our money, it is their money, and we must wisely spend and carefully account for every penny, as every family would, to plan their budget to make the current paycheck last until the next paycheck that they hope comes in.

We need transparency, we need openness, we need oversight. With our economy battered and further damage possibly still to come, we must give our new President every tool to try to fix this economy. Barack Obama has made it clear that he understands the mistakes of the prior administration and will not repeat them. President-elect Obama has, in person and in written communications, agreed to commit substantial resources to foreclosure mitigation, as he should.

Barack Obama has also said there will be transparency, there will be oversight, and Barack Obama has said the disbursal of TARP funds will require his signoff; not a Secretary, not somebody in some clerk's office, not a group of people, but every penny will require Barack Obama's personal signoff.

This vote is going to be close. As many of my colleagues decide how to vote, I ask them to think about the challenges our freezing financial markets are causing their constituents. It doesn't matter if it is Minnesota or Nevada or Arizona or New Hampshire, without financial markets that are functional, families cannot buy a home, borrow to pay for college tuition, replace the family car or simply decide what they are going to do this weekend, because they have no money. Businesses of all sizes cannot make payroll for employees or invest in expansion to create new jobs. That is what this vote is all about. This vote is about local governments not being able to build schools but, instead, lay off teachers, lay off police officers. They are trying to pave roads and protect the public health of their citizens.

We should all be angry at the titans of Wall Street, angry because of their excesses. But inaction now would not punish the wrongdoer, it would punish the American people who are already suffering.

None of us, me included, are happy we have to take this vote. I wish we didn't have to. But given the potentially devastating alternative, I trust my colleagues will act with sound judgment and for the long-term good of our country and in this moment of crisis.

This is one of those rare times. I voted thousands and thousands of times, but over the years I have been here since 1982, there are probably only 15 or 20 votes that are memorable. This is a memorable vote. I believe this is the road to recovery for our country.

Let's trust Barack Obama. I look back at a book I read called ''The Master of the Senate.'' It was about Lyndon Johnson. There is a chapter in that book that I think is so revealing as to today. Lyndon Johnson became the Democratic leader. The President of the United States at that time was Dwight Eisenhower. Dwight Eisenhower was the most popular President in the history of the country. Over an 8-year period of time, his popularity averaged 65 percent—over 8 years. So Lyndon Johnson said: I think what the guy is trying to do is the right thing so I am going to get as many of my Senators as I can, all my Democratic Senators, to join with Dwight Eisenhower to accomplish what he thinks should be accomplished.

I ask my Republican colleagues, look at Barack Obama since he has been elected. Has he set a pattern for moderation? Has he set a pattern for people coming into his Cabinet who are good no matter their party? The answer is yes. The American people are impressed with what he has tried to do to move this country forward. I ask my friends to reflect back to Dwight Eisenhower, to look now to Barack Obama. This is the time we need to move forward as Democrats and Republicans, as Americans, and do what is right. I believe this is one of those votes historians are going to record as important. I think, when some of those chapters are written in that book, they are going to say this is the beginning of the economic recovery for our country.

Madam President, is there time remaining?

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. REID. I yield that back and start the vote now. We will extend it, if necessary.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will read the joint resolution for the third time.

The joint resolution (S.J. Res. 5) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH. (After his name was called) Mr. President, on this vote, Senator KENNEDY is absent. If he were present, he would have voted nay. If I were to vote, I would vote yea. Therefore, I withhold my vote.

Mr. TESTER. (After his name was called) Mr. President, on this vote, I have a pair with the Senator from Ohio, Mr. BROWN. If he were present and voting, he would vote nay. If I were permitted to vote, I would vote yea. I, therefore, withhold my vote.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

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

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—42

Barrasso	DeMint	McConnell
Bayh	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Risch
Brownback	Feingold	Roberts
Burr	Graham	Sanders
Cantwell	Grassley	Sessions
Chambliss	Hutchison	Shaheen
Coburn	Inhofe	Shelby
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Lincoln	Vitter
Cornyn	Martinez	Wicker
Crapo	McCain	Wyden

NAYS—52

Akaka	Hagan	Murray
Alexander	Harkin	Nelson (FL)
Baucus	Inouye	Pryor
Begich	Johnson	Reed
Biden	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Burris	Kyl	Schumer
Byrd	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Clinton	Lieberman	Voinovich
Conrad	Lugar	Warner
Dodd	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	
Gregg	Mikulski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Hatch, yea	Tester, yea

NOT VOTING—3

Brown	Bunning	Kennedy

The joint resolution was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MCCASKILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALEXANDER. Mr. President, I voted today the same way I did in October because both the current President and the incoming President have said this is an essential insurance policy against financial catastrophe. This is not spending; this is lending money with interest that taxpayers should get back. I would not have voted this way if President-elect Obama had not assured us that he will use this money as it was intended: to keep credit flowing by strengthening financial institutions and housing markets, and not for new industry-by-industry bailouts.

The PRESIDING OFFICER. The majority leader is recognized.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back and the Senate adopt the motion to proceed; that upon adoption of the motion, the Senate then proceed to the consideration of S. 181; that once the bill is reported, Senator HUTCHISON be recognized to offer an amendment; that no amendments be in order to the Hutchison amendment prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

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

AMENDMENT NO. 25

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 25.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Title VII Fairness Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which that voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

''(3)(A) This paragraph shall apply to a charge if—

''(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

''(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

''(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

''(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).

''(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.''.

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

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

(2) by striking ''(d)'' and inserting ''(d)(1)'';

(3) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(4) by adding at the end the following:

''(3)(A) This paragraph shall apply to a charge if—

''(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

''(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

''(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

''(C) Nothing in this paragraph shall be construed to change or modify any remedial provision of this Act.

''(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful practice relating to the provision of a pension or a pension benefit.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)(3)) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) CONFORMING AMENDMENTS.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(f)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

''(2) For purposes of applying section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section.''.

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

(B) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)(3)) to a complaint under section 15 of that Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

Mrs. HUTCHISON. Madam President, my amendment, which I offer along with Senators VOINOVICH, MARTINEZ, GRASSLEY, ENZI, CORKER, ALEXANDER, CORNYN, BURR, MURKOWSKI, and THUNE, is a substitute for the underlying bill that is before us, S. 181. I hope we will, now that we have taken up the bill, fully discuss and hopefully have some amendments that will make the Fair Pay Act a bill that will serve all of the needs of our country. Paramount is the right of an employee to have redress, if that employee is experiencing discrimination. We also need to make sure that our small businesses and medium-sized businesses know what their underlying liabilities might be. That is part of business planning.

I have certainly been a person who has known discrimination. I want everyone who believes they have a cause of action to have that right.

I have also been a business owner. I know how important it is that our businesses know what their potential liabilities are. That is why statutes of limitation were put into the laws of the country, so that one could have a defense, so that there would be timely filings of claims, so that there would be witnesses who would have the memory or the records or the documents to defend against a claim.

My substitute amendment allows the person who is aggrieved, when that person knows or should have known that there was discrimination, to have 180 days, approximately 6 months, to file that claim so that there will be records, there will be notice, and there will be the ability for a defense and for the person to have the fair trial with the people who would be relevant to her or his case.

To do that, we have to have that time limit that the Supreme Court has said is a reasonable time limit, if it is 6 months after the person knew or should have known. We are putting back in or we are actually codifying for all of the districts of the country that standard.

It is also important that we have the ability for that person to get into court, because that is the person who has the grievance. It is that person who should be testifying rather than someone who might have had an effect but is not the person who knows if they believe they were discriminated against. These are the things that my amendment addresses.

We are not going to debate, although I know the distinguished Senator from Maryland is going to rebut, but I hope to have the time for us to fully debate this amendment when we take it up and when all of our Members are here.

There will be Members on my side who want to speak, I am sure Members on her side who want to speak, so I wanted to lay the amendment down so everyone is on notice and has the document and can read the amendment. Then I look forward to discussing it when the majority leader decides we will take this bill up, hopefully, next week.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I want to acknowledge that we will not be debating this amendment this evening. Senator HUTCHISON has laid down her substitute. What I am so excited about is that we are actually going to be debating the Lilly Ledbetter Act and also amendments and substitutes therein.

I know the Senator from Texas has a plane she is going to try to make; otherwise, we would have had a more amplified debate tonight. But I am so excited this moment has finally come, that we are actually going to debate what is the most effective way we can end wage discrimination in our country and keep the courthouse door open to legitimate claimants.

I am also excited that, once again, the Senate will return to a regular order. What do I mean by ''a regular order''? We are actually going to bring up bills. We are not going to get lost in some quagmire of parliamentary procedure where we entangle ourselves and strangle ourselves. This debate, that actually begins tonight, is the signal of a new day returning to some of the old ways the Senate operated, which was a regular order where we could offer amendments, debate amendments, and vote on amendments.

This is what doing legislation is all about. Before I actually, briefly, comment on the merits, to affirm the process: We said to our colleagues on the other side of the aisle, we are going to give you the opportunity to offer amendments and to debate them. We are keeping that promise. In the way HUTCHISON and MIKULSKI are kicking it off now, we are showing we are keeping our promise.

Second, this affirms the way we, the women of the Senate, want to operate. Senator HUTCHISON and I agree on the goal: ending wage discrimination and keeping the courthouse door open. Senator HUTCHISON and I absolutely disagree on what is the best way to achieve that goal. I have our legislation. She has her substitute. But though we disagree, you will see on Wednesday, as we pick up an amplified discussion, we can disagree without being disagreeable.

It is time to return to civility. It is time to show that good manners produce good legislation. We look forward to a robust and amplified way of discussing this issue.

So we are going to debate Lilly Ledbetter and also the Hutchison substitute and other amendments. We will do it, if there is more tonight, and we will also do it tomorrow, if there are Senators who wish to offer it. I will be here. But we will be able to do it.

We strongly disagree with the Hutchison amendment. But rather than debate it, without her being here, I am going to reserve my remarks for when she is here, and we are going to show that good politics starts with good manners and a good process.

I thank the Republican leader for being so cooperative to help us set the stage for doing it.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I want to proceed for a few minutes as in morning business. I know Senator MURRAY is then anxious to be recognized. I ask unanimous consent that she be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARP FUNDING

Mr. MCCONNELL. Mr. President, with regard to the TARP issue we just dealt with on the floor, I voted for the disapproval resolution.

Three months ago, I voted in favor of Government action to rescue the Nation's financial system. The early indications suggest that our actions did have a stabilizing effect. But the problems persist. And based on what we know about our current financial situation, it is clear the full $700 billion we voted for in October is still needed.

Republicans have insisted from the beginning that the outgoing administration agree to strict oversight and taxpayer protections related to the Troubled Asset Relief Program, the TARP. And we asked for similar assurances from the incoming administration this week when it requested the second round of TARP funds.

In response, the incoming administration graciously agreed to meet with Senators, and spent a good deal of time explaining to Republicans last night how they plan to use these funds. I want to express publicly our appreciation for their time and for their efforts.

After last night's conversation, Republicans asked for one more thing: a public assurance from the incoming administration that these funds would be used in a manner consistent with the original purpose of the TARP. And, today, the incoming administration again graciously responded to our request by providing a letter of intent for the second round of TARP funds.

I want to be very clear that I appreciate the incoming administration's assurance in that letter that these funds for the original purpose of stabilizing the economy and preventing a systemic economic collapse—they agree that is what the funds were for. However, the incoming administration also indicated it would use the money in ways I cannot support.

The letter explicitly states that they will pursue a policy of ''cram down,'' both by amending the bankruptcy laws and by forcing banks that receive TARP funds to write down mortgages. This will result in higher mortgage rates for everyone who seeks a home loan.

The letter states that the Federal Government will require banks that receive TARP funds to make loans—require banks to make loans. And while we want banks to resume lending, forcing them to make loans is exactly how this crisis started in the first place. We need to show that we have learned from past mistakes.

The letter also states that participating firms will need Federal approval before issuing dividends. I fear this will hamstring their ability to raise capital and thus perpetuate their dependence on Federal funds. We should encourage firms to raise private money, but that will be impossible if they cannot promise investors a return on investment.

Again, I do want to express my appreciation to the incoming administration for its responsiveness to Republican concerns. Every time we asked a question, it was promptly answered. So far, Republican interactions with the incoming administration have been quite encouraging and appreciated. While I voted on the losing side, I hope the new administration will consider some of my concerns and our concerns on this side. We hope their stewardship of these funds is successful in stabilizing the markets according to the original purpose of the TARP, and we will continue to work with them to strengthen our Nation's economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 12 minutes, and that following my remarks the Senator from Georgia be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I also ask unanimous consent that my statement be printed in the RECORD prior to the previous vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY and Mr. ISAKSON are printed in today's RECORD during the consideration of S.J. Res. 5.)

Mr. ISAKSON. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

COMMITTEE ASSIGNMENTS

Mr. REID. Mr. President, over the course of the past several months, we have been working to complete negotiations on making our committee assignments so that all the new members will be able to attend committee meetings and be active participants. In some instances, I understand that chairmen have invited new Members to attend meetings and be involved in the process.

I am happy to report that earlier this week, the Republican leader and I agreed to what the committee ratios will be for the 111th Congress. This process of give and take is tedious, and the giver always feels that they have given more, while the taker believes that they deserve more. We had to increase the size of some of the committees during these deliberations. In any event we have reached agreement on ratios, and I ask unanimous consent that a copy of that agreement be printed in the RECORD.

Committee Ratio Agreement

Agriculture	12/9
Judiciary	11/8
Appropriations	17/13
Intel	8/7
Armed Services	15/11
Aging	12/9
Banking	12/9
Budget	13/10
Commerce	14/11
Indian Aff	9/6
Energy	13/10
JEC	6/4
EPW	11/8
Rules	11/8
Finance	13/10
Small Bus	11/8
For. Relations	11/8
Veterans	9/6
HELP	13/10
Homeland	10/7

(Ethics Committee remains at 3/3)

Mr. REID. With respect to the Democratic membership, we have had a meeting of our Democratic Steering Committee and they have ratified the proposed membership slate. Additionally, the Democratic Caucus has also given its stamp of approval to the slate.

Therefore, Mr. President, the majority is ready to proceed ahead with Senate action on considering an organizational resolution which appoints committee membership. However, I understand from the Republican leader that they still need to complete their process. So, I fully expect that when we return after the inauguration, the Senate will act on an organizational resolution.

COMMITTEE FUNDING

Mr. MCCONNELL Mr. President. We have included language for the 111th Congress which keeps Republican Committee budgets from going below the funding allocation for fiscal year 2008.

Upon enactment of a full year appropriation for the legislative branch, the Rules Committee has agreed to authorize $100,000,000 annually for comittee majority and minority staff salary baselines to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively, during the 111th Congress.

Additionally, upon the enactment of a full year appropriation for the legislative branch, the authorization will provide for salary baselines to be adjusted by future cost-of-living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Further, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of special reserves is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively. Special reserves, which have been available to committees since 2001, shall not exceed historic levels.

While fiscal constraints have made this process very difficult, I appreciate the good faith effort made by the majority leader to fulfill the commitment we entered into at the beginning of the 110th Congress to keep minority staff salary baselines from going below funding levels allocated to the Republicans in the 109th Congress. The agreement we have reached provides the ability for minority committee budgets to be funded no less than the allocation in the 110th Congress.

Mr REID. I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 108th Congress and this agreement allows for a similar accommodation for the Republicans in the 111th Congress.

I ask unanimous consent that a joint leadership letter be printed in the RECORD.

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

We mutually commit to the following for the 111th Congress:

Upon enactment of a full year appropriation for the legislative branch, the majority and minority staff salary baselines for the committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned at a 60 percent to 40 percent ratio, majority/minority respectively, based on an authorization of $100,000,000 annually. Additionally, upon enactment of a full year appropriation for the legislative branch, the authorization will provide for salary baselines to be adjusted by future cost of living adjustment, COLA, increases as approved by the President Pro Tempore of the Senate. Further, the majority leader and the chairman of the Rules Committee have agreed that 89 percent of special reserves is available to each chair/ranking member for administrative expenses, if requested, to be allocated at a 60 percent to 40 percent ratio, majority/minority respectively.

This will allow individual minority committee funding levels to remain unchanged, if special reserves are requested. Therefore, no committee budget shall be allocated to reduce the minority committee budget below that of fiscal year 2008.

Funds for committee expenses shall be available to each chairman consistent with the Senate rules and practices of the 110th Congress.

The chairman and ranking member of any committee, may, by mutual agreement, modify the apportionment of committee funding, and/or space.

The division of committee office space shall be commensurate with the 60 percent to 40 percent ratio.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. DODD. Mr. President, I rise today to commend the Senate for its passage of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Amendments Act, which was included as part of S. 22, the Omnibus Public Land Management Act of 2009. First, I would like to thank Senators LIEBERMAN, KERRY, and KENNEDY, who joined me in introducing a standalone version of this bill last week and have worked with me for many years to preserve this beautiful part of New England. I would also like to thank the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, for his tireless work to pass all of the critically important public lands bills included in S. 22. Because of his efforts, hundreds of thousands of acres of pristine wilderness will be added to the National Wilderness Preservation System, and many new ecologically unique and culturally significant sites will receive Federal protection under the National Wild and Scenic Rivers System, the National Trails System, and the National Heritage Area program.

I have long felt that as Senators, one of our most important obligations is to ensure that our Nation's vast array of

natural treasures is managed in an environmentally responsible and sustainable way. With the passage of S. 22, and in particular, with the extension of Congress's authorization of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, I believe that we have taken an important step toward achieving that goal.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, QSHC, was established in 1994 as the fifth National Heritage Corridor. National Heritage Areas are designated by Congress to preserve distinctive landscapes of historic, cultural, natural, and recreational resources. The QSHC is commonly known as ''The Last Green Valley,'' a rare and beautiful rural landscape in the populous Northeast. In fact, the Valley stands out in night images from space for its absence of lights. It contains aboriginal and colonial archaeological sites, mills and mill villages that preserve the history of the early industrial revolution, and traditional farming communities. The QSHC nonprofit management entity has restored architecturally and historically important buildings, developed conservation and open space plans, and fostered cooperation among businesses in the region that rely on the natural resources and beauty of the land. It has consistently leveraged an average of $19 for every $1 of appropriated Federal money.

The QSHC has developed a plan to become a self-sustaining entity by 2015, as laid out in ''The Trail to 2015: A Sustainability Plan for the Last Green Valley.'' The plan calls for replacing Federal funds with fees for services, private and corporate support, and income from a permanent fund. In the interim, Federal funds are necessary for capacity-building, awareness programs, and ongoing education of land-use decision-makers.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor has created a collaboration of 35 municipalities dedicated to preserving a unique slice of our American heritage. With the extension of its authorization, this preserve will be able to exist in perpetuity. Again, I would like to thank my Senate colleagues for their support of the QSHC and the numerous other sites of great natural and cultural significance that will be protected as a result of the passage of this important legislation.

VOTE EXPLANATION

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote against final passage of S. 22, the Omnibus Public Land Management Act of 2009. I would like to be clear that I do not oppose every aspect of this bill, nor do I oppose the notion that our Nation's most unique and precious natural features should be protected for the use and enjoyment of future generations. As with many large omnibus bills, there are a number of provisions that enjoy strong support in the Senate. However, taken as a whole, this bill represents an enormous commitment of federal resources in perpetuity that we simply cannot afford at this time. For years, our existing national parks, wildlife refuges, and other public lands have been faced with a backlog of much-needed maintenance projects because we have not had the resources to do everything that needs to be done along with competing budget priorities. Now, in the midst of an economic downturn and on the eve of considering an historically large economic stimulus package, the strain on Federal budgets has rarely been greater. In light of this fact, it is intellectually dishonest to promise to the American people that the Federal Government will protect and maintain additional Federal lands when we know that we are not even able to fully keep our current commitments. For that reason, I felt it necessary to vote no on this bill at this time.

COMMITTEE ON FINANCE, RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 111th Congress, adopted by the committee on January 15, 2009. I ask unanimous consent that the rules be printed in the RECORD.

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

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 15, 2009)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI

of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that——

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript;

and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act 1974.
2. Customs, collection districts, and ports of entry and delivery.
3. Deposit of public moneys.
4. General revenue sharing.
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.
6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transpiration of dutiable goods.

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RULE XXVI

COMMITTEE PROCEDURE

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Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and

the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

TRIBUTE TO SENATORS

JOHN SUNUNU

Mrs. HUTCHISON. Mr. Presdient, I have really enjoyed working with John Sununu.

John Sununu grew up in Salem, NH, and is one of eight children. He was first introduced to public service at a young age, when his mother served as chairman of the local school board.

John attended public schools, graduated from Salem High School, and received bachelor's and master's degrees in Mechanical Engineering from the Massachusetts Institute of Technology.

John also earned a master's degree in business administration from the Harvard Graduate School of Business.

John Sununu first ran for public office in 1996, winning election in New Hampshire's 1st District and serving 3 terms in the U.S. House.

In 2002, John defeated both an incumbent Senator and the sitting Governor to become the youngest Member of the U.S. Senate.

As a Senator, John distinguished himself as an innovative legislator, bringing his extensive background in science, engineering, and small business to his work in Washington.

Senator Sununu has been a staunch advocate for low taxes, smarter regulation, and civil liberties.

Since he is still a young man at the age of 44, I suspect that we will be hearing a lot more from John Sununu in the years to come.

I wish him well in his future endeavors.

GORDON SMITH

Mr. President, Gordon Smith has served the people of Oregon extremely well.

Before coming to the U.S. Senate, he served as director of the family owned Smith frozen foods company in Weston, OR, where he created jobs and spurred economic growth.

Gordon Smith entered politics with his election to the Oregon State Senate in 1992, and he became president of that body in 1995.

Since winning election to the U.S. Senate in 1996, Senator Smith has worked with his colleagues on both sides of the aisle on critical issues.

Senator Smith chaired the Special Committee on Aging, and he also served on the following Senate committees: Commerce, Science and Transportation, Energy and Natural Resources, Finance, and Indian Affairs.

Senator Smith has also courageously led the effort to educate Americans on ways to prevent the tragedy of suicide of young men and women.

In 2004, I was so proud when President Bush signed the Garrett Lee Smith Memorial Act, authorizing $82 million for suicide prevention and awareness programs at colleges.

Because of his business experience, he was a Senate leader on issues and regulations that impede economic growth.

Senator Smith also distinguished himself by championing rural Oregonians, including the many farmers and ranchers throughout the mountains and lake areas of his beautiful State.

I thank Gordon Smith for his dedication and service, and I wish him well.

TED STEVENS

Mr. Presdient, Senator Ted Stevens of Alaska has served in the U.S. Senate for 40 years, and is the longest-serving Republican Senator in history.

On a personal note, I have enjoyed working with Senator Stevens, and it has been a true privilege to collaborate with him on some of the most important issues facing our great Nation—including energy, health care, and national defense.

Senator Stevens' service to the United States didn't begin when he stepped inside this chamber. Rather, his service began decades earlier—during some of the most harrowing days of World War Two.

Senator Stevens was part of the Greatest Generation who fought and won that global struggle for freedom—flying a C–47 in the China Burma India Theater.

Incredibly, over 1,000 of Senator Stevens' fellow airmen died ''flying the hump'' and elsewhere in the Chinese Burma India Theater—a sobering reminder of the high price of freedom.

For his heroic efforts, Senator Stevens later received two Distinguished Flying Crosses and two Air Medals, as well as the Yuan Hai medal awarded by the Republic of China.

After the war, Senator Stevens completed his education at UCLA and Harvard Law School, and then moved to Alaska, which was then a U.S. territory.

In the city of Fairbanks, Senator Stevens practiced law for several years, until he came to Washington, DC, to serve in the Eisenhower administration, and also to lobby for Alaska's admittance into the Union—a mission that succeeded in 1959.

When Senator Stevens returned to Alaska, he ran for—and won a seat in the Alaska House of Representatives, and later became House majority leader.

Then, in December 1968, Governor Walter J. Hickel appointed him to fill a vacancy in the U.S. Senate.

In 1970, the voters of Alaska ratified that choice by electing Senator Stevens to finish that term in a special election, and then re-electing him six more times.

Senator Stevens' achievements are legendary in this chamber—including chairman of the Senate Rules Committee, the Appropriations Committee, the Commerce Committee and President pro tempore of the U.S. Senate—from January 2003 to January 2007.

For his many decades of service, Senator Stevens has received and accepted numerous honors—including having the Anchorage International Airport named after him.

Back in 1993, when I first arrived in the U.S. Senate, I was one of only seven female Senators, and if the Senate was a men's club, then the Appropriations Committee was its inner sanctum.

There was not a single woman on the Defense Appropriations Subcommittee, but that is where I wanted to serve.

I explained to Senator Stevens—who was then the ranking member of the committee—that Texas has more Army soldiers than any other State, more Air Force airmen and women stationed in Texas than any other State, and our defense industry builds everything from fighter aircraft to Army trucks to artillery systems to sophisticated electronics equipment for the Pentagon.

Therefore, I hoped to be able to serve on that committee.

After some careful thought, Senator Stevens agreed, and welcomed me to the Committee.

Senator Stevens has been known to show dramatic performances on the Senate floor, keeping wandering eyes focused on the urgent issues that need to be addressed.

One day, during a mark-up in the Senate Appropriations Committee, Senator Stevens, who chaired the committee at the time, grew very animated and laid down the law.

When a frustrated senior Senator told Senator Stevens that ''there was no reason to lose your temper,'' Senator Stevens glared back and responded, ''I never lose my temper. I always know exactly where I left it.''

Senator Stevens acknowledges his quick temper; but those who know him see the other side—a compassionate heart.

I will never forget when a group of protestors gathered outside of the Appropriations Committee conference to demand increased funding for breast cancer research.

One particularly agitated advocate got in Senator Stevens' face and said, ''If men were dying of breast cancer, you wouldn't think twice about increasing the funding.''

Needless to say, those words made quite an impact on Senator Stevens, but probably not what this advocate anticipated.

When Senator Stevens walked back into the conference, he repeated the charge and then looked around at his mostly male colleagues.

He knew that at least 6 of them suffered from prostate cancer.

He also noticed that the bill they were considering didn't fund prostate cancer research.

But thanks to the excellent suggestion of the woman in the hallway, he became an advocate for breast cancer research and prostate cancer research. Senator Stevens became a leader on these issues.

He has been a champion of a strong national defense and of the men and women who serve in the military.

I wish him and his family the best.

CRISIS IN GAZA

Mr. COBURN. Mr. President, when President Obama is sworn into office next week, he will inherit an extremely complex and challenging crisis in the Middle East. Since Israel commenced military operations in Gaza to defend its citizens against rocket attacks more than 1,000 have died in Gaza, many of them civilians, while 13 Israelis have died. In spite of this carnage, Hamas refuses to surrender and continues to fire rockets into Israel. No clear resolution is in sight.

As a practicing physician, I find this conflict heartbreaking. Israelis live in constant fear that a rocket attack will snuff out an innocent life. Families in Israel go to bed at night wondering if a rocket will slam into their home. At the same time, Palestinians have nowhere to run from a terrorist organization that uses its own civilians as human shields.

While we all mourn the loss of innocent life, the world must recognize that Hamas deliberately created a situation in which Israel was forced to respond as any sovereign nation would while under attack. Israel, and every nation, has the right to self-defense.

What makes Hamas's actions particularly abhorrent and barbaric is the fact that they are making decisions, I believe, based on a perverse political calculation. While publically condemning Israel, Hamas's leaders and sympathizers in Iran and elsewhere privately welcome the suffering of the Palestinian people as a political opportunity. Hamas knows better than anyone that virtually every area of the densely populated Gaza strip is a civilian area. In Gaza, refugees have no place to seek refuge. The terrible unintended consequences and loss of civilian life we've seen in Gaza is part of Hamas's design and goal.

The United States and the next administration can play an important role in preventing Hamas from achieving its goals. What many on both sides long for is not just the cessation of violence but a real, lasting and durable peace. Some believe this is impossible, but it is in the interest of all sides to work toward this goal.

I trust President-elect Obama will avoid the false choice between unapologetically defending Israel's security and creating hope and opportunity for people on both sides of the conflict who want the same degree of freedom, peace and opportunity for themselves and their children. As Israel's most important ally, the United States should never waver in our commitment to Israel's security. The strength of that assurance is itself one of our most important contributions in the region because it creates the security and stability that are a prerequisite for meaningful negotiations.

At the same time, we enhance security in the region by assuring Palestinians in Gaza with our words and actions that they are not forgotten and that we hear their calls for peace and an end to violence. I've delivered 4,000 babies and I grieve with the pregnant women in Gaza who are being turned away at hospitals because their own leaders have held their lives and the lives of their children in contempt. The next administration can legitimize and support those mothers' pleas for peace while condemning and marginalizing Hamas's tactics of terror.

I believe President-elect Obama has the judgment and temperament to not only maintain our vital support of Israel, but to also create hope in the region and help Palestinians embrace alternatives to Hamas's brand of violence and despair. He will have my prayers and support and I hope he can have the prayers and support of the American people as he confronts this difficult challenge.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Well, gas prices have a direct impact on my driving habits. I have been trying to use the public bus at least twice a week to get to work. It takes me about 35 minutes more each way, but if I plan my after work errands needing a car for one day, then I can bank that extra time for the bus ride. I'm lucky to live in Boise where there is some type of public transportation. My husband works the night shift in Meridian, so he is forced to use the car. The cost of food is a shocker, but again, fuel costs have contributed to that also. There are more of the basic and less of the goodies at the checkout. I do not think our family will be flying anytime soon, and if we vacation somewhere besides home, it will still be within a short day's drive. All in all, I worry more about those families who were barely surviving before, what will become of them now?

I think it is important to give tax breaks to companies, small or large, who want to develop alternative energy technologies. There are a great number of really smart people out there, I saw a man who could burn salt water and create enough energy to light a bulb. And how about the farmer who did something to his engine (in his garage workshop) to get 80 MPG. It is especially important to keep this technology and the subsequent jobs it brings here in the United States. If congress won't address these issues in a timely way, countless other countries will once again, get the jobs. And continue to give taxpayers incentives through tax breaks for purchasing fuel efficient cars, energy saving appliances, solar heating, etc. My family would purchase these products, but the cost is often prohibitive. There are hungry buyers just waiting and the cost will come down as more products are sold. It just needs a jumpstart with federal funding, then it will take off on its own. Do not do anything to lessen the impact of gas prices. Only with higher prices will habits change and new technologies emerge. The lesson is hard, but the end result will be worth it. Get rid of government supported Ethanol—it takes as much energy to make the stuff compared to what it saves.

And, let us build those super fast trains to at least run along the cities on the Eastern and Western coasts. Again, more jobs building trains, maintaining equipment, contributing to a better economy. We can either spend tax money on more roads for more gas eating cars or supplementing energy efficient systems, good for the environment, the economy and the pocketbook.

We took Amtrak from Portland to Seattle, it was $29, but again it took 3 hours! What if it took 45 minutes? There were many business people on board, I think more people would be willing to use this type of transportation if it was timely. Time is money these days. And please give more money to small urban cities like Boise to develop light rail systems. The intercounty van ridership from Caldwell and Nampa to Boise has become so popular. ValleyBUS is adding more vans to the routes. A light rail system would work in the Boise Valley. And replace the aging buses. In the month I have ridden the bus, I have experienced at least two breakdowns. The buses are purchased used and these are so old, parts are very hard to come by. And allow some drilling and mining, I heard it will be 7–10 years before a domestic supply will be available, so it will not be the cure some think it will be. Do not allow exemptions which were originally for farm vehicles to be expanded to include cars with a like build, like Hummers. That is cheating. Make the car companies raise the MPG even higher. I read that China has tougher rules for gas mileage than we do. And, the American people are going to have to make hard choices. Cheap fuel is never going to happen again, at least not for years. We ignored the warnings during the Carter years, when gas prices were high; we need to change our enormous appetites for oversized everything, from cars to houses to McDonalds. We would all be better off to bike, walk and move to smaller houses where families actually live in the ''living'' room and see each other. I grew up with one car for our entire family! Could that happen in American society today? I doubt it. Maybe it is time we Americans face the consequences of our greed. It could be a humbling lesson, something we might just need.

And, to pay for all this? Get out of Iraq and rebuild the United States of America. You cannot make a democracy with just an election. Our own great country functioned without a strong federal government or President for some 10 years after defeating the British. I think it was luck we became the greatest democracy ever, but lots of hard work to stay that way. Is Iraq able and willing to do the hard work? I do not think it is possible. We destroyed the stability in the Middle East and now it is a worse mess for our meddling. Do not allow another son or daughter or sister or brother or husband or wife to be killed, let them come home.

DONNA LAM, *Boise*.

Hello Senator Mike Crapo, I am a 29 year old, single woman that is trying to do things right. I have owned my home for four years and have worked in dialysis for 5½ years. I have not gone grocery shopping in two months. I am getting where my payments are getting later and later. I do not know how people are surviving. The cost of gas, groceries, and everyday living keeps going up, but the income that we bring home does not change. I go to work and come home, I do not do anything above and beyond because I am afraid of losing everything that I have worked so hard for. I am afraid that if something is not done soon, that I am going to start loosing everything I have worked for. I used to spend about $30.00 for gas a week now it is almost $70.00. I live in Emmett in the city limits and the water is horrible, so I have to buy water just to drink (it turned my cat dish black). I have complained to the city but it is going on 1 year of having to buy water. Everything cost, what are the citizens expose to do?

Thank you for your time,

ALYSSA QUENZER.

This is in response to your request for citizens to ''share your energy stories.''

Here are some of the results I am observing, of gas being more expensive: Traffic is (slightly) down on the overcrowded roads in and around Boise. People are getting rid of their gas-guzzlers and getting more economical modes of transportation. People are making more responsible transportation choices. (Dare I say it? Might they even consider carpooling, or utilizing public transportation?) Air pollution is down. There is some real market-driven innovation going on, in the automotive world.

In other words, the results of higher fuel prices are not all negative! Please think long and hard before getting the government more involved! (In the past, it has not always had the desired effect.)

If you could figure out some way to give the freight industry some relief, that would be a good thing. But let the free market run its course with regards to personal transportation, I say. If our economy is based on every citizen 16 and over having a private motor vehicle and unlimited access to cheap fuel . . . it is a house of cards.

Like everybody else, we in my family are affected by rising fuel prices, and are needing to be more responsible with our transportation. Is that a bad thing?

(Full disclosure: I've been a dedicated user of bicycle transportation since 1986. Gas was 97 cents back then. It makes even more sense in 2008 for my fellow citizens to seriously consider their own transportation choices, than it did back in 1986.)

Thanks for your attention.

STEVE HULME, 4TH-GENERATION TAXPAYING IDAHO CITIZEN, *Boise*.

My biggest concern is the lack of balance with the cost of living and the working wages. Cost of living is increasing faster than employers/corporations are able (or willing) to keep up with. I am very worried about the near future. With two kids to raise, trying to keep them involved in sports and other extra-curricular activities is becoming more of a challenge. I do not want to be forced to make a decision of gas in the car to get my kids to and from or my children's well-being.

What Americans want are politicians who do what they say they will do. Not empty promises to get into office. At what cost does it come? Our children, our future.

Why do these power companies continue to get approvals for price increases? Who is benefiting from this? If the Government doesn't think we are in a recession now, just wait, it is just around the corner. I know for my family as well as many other families, spending is no longer frivolous, let us-treat-ourselves-for-our-hard-work spending, it is thought through heavily. We have no choice.

With the wealth of our country, there should not be the amount of homeless (or soon-to-be) people due to lack of money/resources to keep a roof over their heads and food on the table. I am ashamed at the direction our country has taken. Now I see it only getting worse.

I was visiting with a fellow co-worker today who helps feed those not necessarily homeless but left with little to no money left after paying bills at the end of the month for food. She collects food like a shelter, from local businesses, then disburses the food accordingly. In just two weeks time, the number of people she serves/helps went from 92 to 120. Unfortunately she was unable to help them all, not enough food due to a decrease in donations.

Something has got to give and it should no longer be the American people/families! Instead, we need to be at the receiving end. Help our own in this country to survive.

A VERY CONCERNED MOM.

Good day Mike, my story is: I am a 50 year old disabled woman; my income is social security of 671.00 plus an arrears child support order from 1992 in which I receive 201.00 a month in 50.34 weekly payments. I am almost over the limit for Idaho Medicaid and am what is called the QM plan. I have no dental and no vision. Part D helps with prescriptions and Medicare pays some. I am eligible for about 10.00 in food stamps which I do not collect because at my last recertification, I just could not justify the gas and time for the 10.00 that really is not that helpful. It has been a very cold winter; my energy cost in the trailer I own and only pay lot rent for [cheap housing], have made my life very hard; I have had to choose between power and food for months since October to be exact, my electric and gas have been between 250.00 & 300.00, finally my energy due on the 20th of June is 107.00, last year it was 65.00 or so this time of year. I have a 20 year old daughter that lives at home and goes to LCSC full time thank you Lord for grants and loans. I cannot remember the last time I went to the grocery store and bought food, we live out of food banks and milk has become a luxury, from Walmart. Our 2 dogs' food comes from the humane society. My car is always on empty; 2.5 gallons of gas is 10.00. Please help us up the food stamp limit; disabled people should not have to worry about food, how about a fixed amount for disabled people comparable to their income, lower energy prices, fixed prices for energy to heat disabled people's homes. I do not mind paying my own power but up to or over ½ of my monthly income. Help. Thank You:

DEB.

As a solution to today's obscene fuel prices, a lot of people talk about expanding domestic production. What nobody realizes is that the same people who would be drilling for and producing this oil are the same people who are currently holding us up at the pump. Think about it: If Chevron/Texaco can sell us gasoline at $4.00 a gallon, does it

make sense for them to invest millions (probably billions) of dollars in the exploration and production of increased oil supplies so in order to sell us gasoline at $2.50 a gallon? Spend money to reduce profits? If Ford were selling all the new F-150 pickups they could produce for $30,000 each, would they spend billions to expand their assembly line so they could sell 25 percent more trucks for $22,500 each? Of course not, they would keep the price at $30,000 and enjoy the increased profits. And the oil companies will do the same thing. Increasing oil supplies will only give the big oil companies more oil to sell at $120 a barrel and will not drive the price at the pump down one bit.

There's no competition in the oil industry, the regulating bodies have allowed too many mergers resulting in a few super-companies that are all in bed together. The only way you could make an idea like dramatically expanding domestic production work is if you started a completely new, independent company to find and extract the new oil, then build new refineries to turn it into a usable product, then build an entirely new distribution infrastructure to get the product to the consumers. That would cost trillions of dollars and it will never happen.

Gasoline costs $4.00 a gallon because we are still buying it at $4.00 a gallon. That is the simple truth. Our country's entire infrastructure depends on gas and diesel engines in cars, trucks, planes, and ships to get products and people from Point A to Point B. And I will be the first one to admit, I am not prepared to quit driving my car, so I am as much a part of the problem as anyone. But short of a federal cap on consumer gasoline and diesel fuel prices, competition and reduced demand are the only things that will drive down the price of retail gasoline. Until that happens, we are just hosed.

CARL BLOOMQUIST, *Nampa*.

First I would like to thank you for taking the time to listen to the people on this subject.

Our brief story: 6 months ago we had two cars and a truck. We could not afford to drive the truck any longer so we sold it and paid off one of our cars. That helped for a while but the gas prices kept creeping up. I work downtown and we are fortunate enough to live close to a bus route. Now I pay $36.00 for a monthly Valley Ride pass and I ride the bus every day. That takes an additional hour of time a day but now we save close to $100.00 a month in gas by doing that. But the gas prices are still climbing and might reach $5.00 per gallon. Now we have two cars and one sits in the driveway. So now we are thinking seriously about selling the car that is paid off and paying down the loan on the other car. I am also thinking seriously of buying a bicycle and gearing up to commute on a bicycle to work. This will help me get in shape as well as help keep the environment clean.

So . . . In a matter of a few months we went from three vehicles down to (most likely) one vehicle and riding bicycles. We are sick and tired of the prices (fuel and food) continuing to creep up and refuse to put up with it anymore.

We want to make a trip to Bend Oregon to visit our grandchildren but we cannot afford to do that this month. We will have to save another $100 and do that at the end of next month. We all work too hard to ''try'' and make ends meet to have to make decisions between gasoline and grandchildren.

So maybe someone will hear our story and something can be done about this.

Thank you again for listening.

MICHAEL VISCETTO.

I strongly disagree with your stand on the climate change bill that recently was defeated in filibuster action recently. I was very disappointed in your vote. These are measures that need to be made for our environment, and for our economy.

Trying to open federal wildlife reserves to more drilling is not the answer. There is not enough oil there to make a difference in the world price of oil and gas. (And I say this as someone who owns lots of stock in oil, gas, and oil service industry companies.) We instead need to focus on making alternative, non-CO_2 emitting fuels. I do agree with your support for nuclear energy, solar and wind power. With the coming development of electric powered vehicles, these will greatly decrease the use of gasoline, which is the best way to bring about a price drop—which will make a climate change bill that much more important.

MITCH LONG, *Boise*.

Not sure where to begin. It is very hard for us to live right now with both the cost of fuel rising, and the cost of food rising. My husband served this country for 22 years in the Military until he became injured, and was unable to do his duties anymore as a military man. He went back to school, thanks to the VA, and is now a board certified respiratory therapist. He is still looking for a job at this point and time. I have faith he will find one soon because we live payday to payday, and there are times when we do not have enough to pay the bills we have because I went to the store, or put gas in my car. So I also have to make a choice as to put gas in the car, or go to the grocery store. But you have to have gas in the car to get to the store. Living off of potatoes, and macaroni cheese is getting old. And every where you look there are commercials telling you to eat right. How can a person eat right when you can't afford the food in the first place? Plus with all of my doctor bills and the amount of medication I am on does not help either. I struggle everyday wondering what am I going to feed my family today, and I wonder what is really going to happen to us.

TAMMY.

Rather than a story I would like to offer a suggestion. My suggestion is that Congress should put in place requirements for oil companies to begin placing hydrogen fueling options at their stations nationwide. Consumers should be offered incentives for purchasing H cell cars. Oil needs to be used as a lubricant not a pollutant.

Thank you for your efforts.

CATHY JONES.

ADDITIONAL STATEMENTS

TRIBUTE TO CARTER INDUSTRIES, INCORPORATED

• Mr. BUNNING. Mr. President, today I pay tribute to Carter Industries for their recent accomplishment.

Carter Industries was recently awarded the Defense Logistics Agency's, DLA, Business Alliance Award for Outstanding Readiness Support in the Historically Underutilized Business Zone Small Business Category. This agency provides logistics support for our military as well as other nonmilitary agencies. Carter Industries plays a very important role in the DLA's ability to provide clothing to our men and women serving domestically and abroad. Specifically, they provide coveralls for flyers and combat vehicle crewmen, which protect them from fire related injuries. Since 1996, they have manufactured military clothing in a timely fashion have consistently been dependable for our military. Located in Olive Hill, KY, in the eastern part of my State, Carter Industries also provides valuable jobs for Kentuckians in their efforts to support our men and women in uniform.

I now ask my colleagues to join me in congratulating Carter Industries for their recent achievement and commitment to our military. They deserve proper recognition for their service to our great Nation.•

TRIBUTE TO DR. ROBERT J. SMITHDAS

• Mr. SCHUMER. Mr. President, I rise to pay tribute to an inspirational New Yorker, Dr. Robert J. Smithdas, on the occasion of his retirement as Director of Community Education at the Helen Keller National Center for Deaf-Blind Youths and Adults, HKNC, in Sands Point, LI.

At the age of four, Dr. Robert J. Smithdas contracted meningitis, which resulted in the total loss of his vision and, over a short period of time, the total loss of his hearing. After graduating Perkins School for the Blind in Watertown, MA, in 1945, he was accepted for training at the Industrial Home for the Blind, IHB, located in Brooklyn, NY, and received a fellowship to attend St. John's University in New York. He received his BA degree cum laude in 1950, and 3 years later became the first person who is deaf-blind to earn a master's degree, receiving this distinction at New York University where he specialized in vocational guidance and rehabilitation for people with disabilities. Dr. Smithdas is also the recipient of four honorary Doctoral degrees from: Gallaudet University, Western Michigan University, Mount Aloysius College and, his alma mater, St. John's.

Dr. Smithdas continued his work with important and significant contributions in the field of rehabilitation, having successively occupied important management positions at the IHB, including that of associate director of services for the deaf-blind in charge of overall client services.

Along with Helen Keller and Peter Salmon, Dr. Smithdas played a vital role in the development of legislation enacted as part of the Vocational Rehabilitation Act. The act authorized the establishment of the Helen Keller National Center, which is operated by Helen Keller Services for the Blind under an agreement with the U.S. Department of Education's Office of Special Education and Rehabilitation Services.

A true ''Renaissance man,'' Dr. Smithdas' numerous national awards include being named the Poetry Society of America's ''Poet of the Year,'' 1960–61, ''The Handicapped American of the Year,'' 1965, by the President's

Committee on Employment of People Who Are Disabled and inducted into the National Hall of Fame for Persons with Disabilities, 1988. He has served on many national committees and boards whose emphasis is directed towards rehabilitation services. He and his wife, the former Michelle Craig, an instructor at the Helen Keller National Center and also deaf-blind, have appeared on nationally broadcast television and radio programs.

Dr. Smithdas has lectured widely and fascinated countless audiences with the recounting of his own adjustment to deaf-blindness while working to improve opportunities for others to lead full and productive lives. On behalf of all New Yorkers, I feel privileged to have the opportunity to commend the outstanding achievements of Dr. Smithdas.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

2009 NATIONAL DRUG CONTROL STRATEGY—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To The Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON MUTUAL FISHERIES RELATIONS—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation Extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1988, with annex, as extended (the ''Mutual Fisheries Agreement''). The present Agreement, which was effected by an exchange of notes in Moscow on March 28, 2008, and September 19, 2008, extends the Mutual Fisheries Agreement until December 31, 2013.

In light of the importance of our fisheries relationship with the Russian Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009*.

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 Mrs. HUTCHISON (for herself and Mr. DEMINT):

S. 251. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY):

S. 252. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Mr. CORKER):

S. 253. A bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 255. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. MCCASKILL, Mr. KERRY, Mr. BAYH, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):

S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 257. A bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH):

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. DODD, Mr. CASEY, Mr. INOUYE, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mrs. MCCASKILL, and Mr. TESTER):

S. 259. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. KOHL, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 260. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 261. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. CASEY:

S. 262. A bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself and Mr. KENNEDY):

S. 263. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs .

By Ms. STABENOW:

S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Mr. CORKER):

S. 265. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, and Mrs. BOXER):

S. 266. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 267. A bill to provide funding for summer and year-round youth jobs and training programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Build Green Grants, and Green-Collar Youth Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW):

S. 269. A bill to provide funding for unemployment and training activities for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 270. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. HATCH, Mr. KERRY, Mr. ALEXANDER, Ms. STABENOW, and Mr. NELSON of Florida):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts; to the Committee on Finance.

By Mr. HARKIN:

S. 272. A bill to amend the Commodity Exchange Act to ensure that all agreements, contracts, and transactions with respect to commodities are carried out on a regulated exchange, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. BROWN (for himself and Mr. VOINOVICH)):

S. 273. A bill to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the ''Ralph Regula Federal Office Building and Courthouse''; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 14. A resolution to provide funding for Senate staff transitions; considered and agreed to.

ADDITIONAL COSPONSORS

S. 84

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 84, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 85

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 95

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 95, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 96

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 98

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

S. 154

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

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes.

S. 166

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Florida (Mr. MARTINEZ) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 225

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 225, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 238

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 238, a bill to provide $50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

S. 247

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 247, a bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high fuel consumption automobiles to replace such automobiles with fuel efficient automobiles or public transportation.

S. 250

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY):

S. 252. a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation which is drawn in large measure from S. 2969, the proposed Veterans' Health Care Authorization Act, as reported by the Committee on Veterans' Affairs last Congress.

VA faces a looming shortage of health care personnel. Without concerted and timely action, this situation will only worsen in the years ahead. This is especially true as more Iraq and Afghanistan veterans return home injured and in need of new and specialized care. In order to avert this problem, VA must be able to offer competitive salaries, work schedules, and benefits. The provisions in the bill I am introducing will allow VA to recruit and retain nurses, home health aides, and specialty care providers.

This bill also contains measures that would improve the efficiency of health care delivery to veterans, including a number of pilot programs designed to help VA find new and innovative ways to deliver better, faster, and more comprehensive treatment.

Women make up an ever growing percentage of the Armed Forces. As such, they are also making up an ever growing percentage of the veteran population. While there have been efforts over the years to address the unique needs of women veterans, there is much more that VA might do. To that end, there are provisions in this bill to address current shortcomings and help VA better respond to the increased demand for care from women veterans. I particularly thank Senator MURRAY for her leadership on this issue.

One of the most troubling and difficult challenges of warfare, which can be seen particularly in the current conflicts in Iraq and Afghanistan, is diagnosing and treating those who suffer from the invisible wounds of war. The lack of understanding of these injuries, the stigma associated with them, and many other factors make effective treatment difficult. Last Congress, legislation I authored, the Veterans Mental Health and Other Care Improvements Act, was enacted as Public Law 110–387. This Congress, I seek to improve upon those advances, and to continue to provide accessible, cutting-edge care for those afflicted with invisible wounds. This bill would expand eligibility and authority for the Vet Centers to provide needed services, and would commission a comprehensive study on suicides among veterans so that we can improve efforts to prevent such tragedies.

This bill will also provide support for homeless veterans through a proposed series of innovative pilot programs. These programs are designed to significantly improve VA outreach to these veterans, in order to help them access the benefits and services provided by VA.

I look forward to working with all of our colleagues to bring this legislation to the full Senate for consideration early in this Session. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 252

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Care Authorization Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.
Sec. 102. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.
Sec. 103. Improvements to certain educational assistance programs.
Sec. 104. Standards for appointment and practice of physicians in Department of Veterans Affairs medical facilities.

TITLE II—HEALTH CARE MATTERS

Sec. 201. Repeal of certain annual reporting requirements.
Sec. 202. Modifications to annual Gulf War research report.
Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.
Sec. 204. Payor provisions for care furnished to certain children of Vietnam veterans.
Sec. 205. Disclosures from certain medical records.
Sec. 206. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.
Sec. 207. Enhancement of quality management.
Sec. 208. Reports on improvements to Department health care quality management.

Sec. 209. Pilot program on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury.
Sec. 210. Pilot program on provision of respite care to members of the Armed Forces and veterans with traumatic brain injury by students in graduate programs of education related to mental health or rehabilitation.
Sec. 211. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.
Sec. 212. Specialized residential care and rehabilitation for certain veterans.
Sec. 213. Authority to disclose medical records to third party for collection of charges for provision of certain care.
Sec. 214. Expanded study on the health impact of Project Shipboard Hazard and Defense.
Sec. 215. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.
Sec. 216. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.
Sec. 217. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.

TITLE III—WOMEN VETERANS HEALTH CARE

Sec. 301. Report on barriers to receipt of health care for women veterans.
Sec. 302. Plan to improve provision of health care services to women veterans.
Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.
Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
Sec. 306. Report on full-time women veterans program managers at medical centers.
Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.
Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.
Sec. 309. Care for newborn children of women veterans receiving maternity care.

TITLE IV—MENTAL HEALTH CARE

Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.
Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.
Sec. 403. Study on suicides among veterans.
Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—HOMELESS VETERANS

Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.
Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.
Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.
Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.
Sec. 505. Assessment of pilot programs.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

Sec. 601. General authorities on establishment of corporations.
Sec. 602. Clarification of purposes of corporations.
Sec. 603. Modification of requirements for boards of directors of corporations.
Sec. 604. Clarification of powers of corporations.
Sec. 605. Redesignation of section 7364A of title 38, United States Code.
Sec. 606. Improved accountability and oversight of corporations.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.
Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38 STATUS TO ADDITIONAL POSITIONS.—

(1) IN GENERAL.—Paragraph (3) of section 7401 is amended by striking ''and blind rehabilitation outpatient specialists.'' and inserting the following: ''blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

''(A) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

''(B) Before submitting notice under subparagraph (A), the Secretary shall solicit comments from any labor organization representing employees in such class and include such comments in such notice.''.

(2) APPOINTMENT OF NURSE ASSISTANTS.—Such paragraph is further amended by inserting ''nurse assistants,'' after ''licensed practical or vocational nurses,''.

(b) PROBATIONARY PERIODS FOR REGISTERED NURSES.—Section 7403(b) is amended—

(1) in paragraph (1), by striking ''Appointments'' and inserting ''Except as otherwise provided in this subsection, appointments'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) An appointment of a registered nurse under this chapter, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of a number of hours of work pursuant to such appointment that the Secretary considers appropriate for such appointment but not more than 4,180 hours.

''(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.''.

(c) PROHIBITION ON TEMPORARY PART-TIME REGISTERED NURSE APPOINTMENTS IN EXCESS OF 4,180 HOURS.—Section 7405 is amended by adding at the end the following new subsection:

''(g)(1) Employment of a registered nurse on a temporary part-time basis under subsection (a)(1) shall be for a probationary period ending upon the completion by the person so employed of a number of hours of work pursuant to such employment that the Secretary considers appropriate for such employment but not more than 4,180 hours.

''(2) Upon completion by a registered nurse of the probationary period described in paragraph (1)—

''(A) the employment of such nurse shall—

''(i) no longer be considered temporary; and

''(ii) be considered an appointment described in section 7403(a) of this title; and

''(B) the nurse shall be considered to have served the probationary period required by section 7403(b).''.

(d) WAIVER OF OFFSET FROM PAY FOR CERTAIN REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—Section 7405, as amended by subsection (c), is further amended by adding at the end the following new subsection:

''(h)(1) The Secretary may waive the application of sections 8344 and 8468 of title 5 (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system on a case-by-case basis for an annuitant reemployed on a temporary basis under the authority of subsection (a) in a position described under paragraph (1) of that subsection.

''(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be considered an employee for purposes of any Government retirement system.

''(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all labor authority and labor representative collective bargaining agreements) applicable to the position to which appointed.

''(4) In this subsection:

''(A) The term 'annuitant' means an annuitant under a Government retirement system.

''(B) The term 'employee' has the meaning under section 2105 of title 5.

''(C) The term 'Government retirement system' means a retirement system established by law for employees of the Government of the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply to pay periods beginning on or after such effective date.

(e) RATE OF BASIC PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH SET TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Section 7404(a) is amended—

(A) by striking ''The annual'' and inserting ''(1) The annual'';

(B) by striking ''The pay'' and inserting the following:

''(2) The pay'';

(C) by striking ''under the preceding sentence'' and inserting ''under paragraph (1)''; and

(D) by adding at the end the following new paragraph:

''(3) The rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) shall be set in accordance with section 5382 of title 5 as if such position were a Senior Executive Service position (as such term is defined in section 3132(a) of title 5).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first pay period beginning after the day that is 180 days after the date of the enactment of this Act.

(f) COMPARABILITY PAY PROGRAM FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—Section 7410 is amended—

(1) by striking ''The Secretary may'' and inserting ''(a) IN GENERAL.—The Secretary may''; and

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

''(b) COMPARABILITY PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1) The Secretary may authorize the Under Secretary for Health to provide comparability pay of not more than $100,000 per year to individuals of the Veterans Health Administration appointed under section 7306 of this title who are not physicians or dentists and to individuals who are appointed to Senior Executive Service positions (as such term is defined in section 3132(a) of title 5) to achieve annual pay levels for such individuals that are comparable with annual pay levels of individuals with similar positions in the private sector.

''(2) Comparability pay under paragraph (1) for an individual is in addition to all other pay, awards, and performance bonuses paid to such individual under this title.

''(3) Except as provided in paragraph (4), comparability pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

''(4) Comparability pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

''(5) Comparability pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.''.

(g) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—Section 7410, as amended by subsection (f) of this section, is further amended by adding at the end the following new subsection:

''(c) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—(1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than $40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

''(2) In determining whether and how much special pay to provide to such individual, the Under Secretary shall consider the following:

''(A) The grade and step of the position of the individual.

''(B) The scope and complexity of the position of the individual.

''(C) The personal qualifications of the individual.

''(D) The characteristics of the labor market concerned.

''(E) Such other factors as the Secretary considers appropriate.

''(3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.

''(4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

''(5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

''(6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.''.

(h) PAY FOR PHYSICIANS AND DENTISTS.—

(1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE.—Section 7431(b) is amended by adding at the end the following new paragraph:

''(5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.''.

(2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS.—Section 7431(c)(4)(B)(i) is amended by adding at the end the following: ''The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.''.

(3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY.—Section 7431(c)(7) is amended by striking ''concerned.'' and inserting ''concerned, unless there is a change in board certification or reduction of privileges.''.

(i) ADJUSTMENT OF PAY CAP FOR NURSES.—Section 7451(c)(2) is amended by striking ''level V'' and inserting ''level IV''.

(j) EXEMPTION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS FROM LIMITATION ON AUTHORIZED COMPETITIVE PAY.—Section 7451(c)(2) is further amended by adding at the end the following new sentence: ''The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.''.

(k) LOCALITY PAY SCALE COMPUTATIONS.—

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS.—Section 7451(d)(3) is amended by adding at the end the following new subparagraph:

''(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health care facilities in the conduct and use of surveys, including the use of third-party surveys, under this paragraph.''.

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.''.

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS.—Section 7451(e), as amended by paragraph (2) of this subsection, is further amended by adding at the end the following new paragraph:

''(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

''(B) An individual described in this subparagraph is—

''(i) an individual in a covered position at a Department health-care facility; or

''(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.''.

(l) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(g)(2) is amended by striking ''$25,000'' and inserting ''$100,000''.

(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL NURSE PAY.—

(1) IN GENERAL.—Section 7453 is amended—

(A) in subsection (a), by striking ''a nurse'' and inserting ''a full-time nurse or part-time nurse'';

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking ''on a tour of duty'';

(II) by striking ''service on such tour'' and inserting ''such service''; and

(III) by striking ''of such tour'' and inserting ''of such service''; and

(ii) in the second sentence, by striking ''of such tour'' and inserting ''of such service'';

(C) in subsection (c)—

(i) by striking ''on a tour of duty''; and

(ii) by striking ''service on such tour'' and inserting ''such service''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''eight hours in a day'' and inserting ''eight consecutive hours''; and

(ii) in paragraph (5)(A), by striking ''tour of duty'' and inserting ''period of service''.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Paragraph (3) of section 7454(b) is amended to read as follows:

''(3) Employees appointed under section 7408 of this title performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay.''.

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(c)(1) is amended by inserting after ''nurse anesthetists,'' the following: ''licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5,''.

SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 is amended by adding at the end the following new section:

"§ 7459. Nursing staff: special rules for overtime duty

"(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require nursing staff to work more than 40 hours (or 24 hours if such staff is covered under section 7456 of this title) in an administrative work week or more than eight consecutive hours (or 12 hours if such staff is covered under section 7456 or 7456A of this title).

"(b) VOLUNTARY OVERTIME.—(1) Nursing staff may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

"(2) The refusal of nursing staff to work hours prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the staff, dismissal or discharge of the staff, or any other adverse personnel action against the staff.

"(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require nursing staff to work hours otherwise prohibited by subsection (a) if—

"(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

"(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

"(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

"(D) the nurse staff have critical skills and expertise that are required for the work; and

"(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

"(2) Nursing staff may not be required to work hours under this subsection after the requirement for a direct role by the staff in responding to medical needs resulting from the emergency ends.

"(d) NURSING STAFF DEFINED.—In this section, the term 'nursing staff' includes the following;

"(1) A registered nurse.

"(2) A licensed practical or vocational nurse.

"(3) A nurse assistant appointed under this chapter or title 5.

"(4) Any other nurse position designated by the Secretary for purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7458 the following new item:

"7459. Nursing staff: special rules for overtime duty.".

(b) WEEKEND DUTY.—Section 7456 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) is amended by striking "three regularly scheduled" and all that follows through the period at the end and inserting "six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period.".

(2) CONFORMING AMENDMENTS.—Section 7456A(b) is amended—

(A) in the subsection heading, by striking "36/40" and inserting "72/80";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "40-hour basic work week" and inserting "80-hour pay period";

(ii) in subparagraph (B), by striking "regularly scheduled 36-hour tour of duty within the work week" and inserting "scheduled 72-hour period of service within the bi-weekly pay period";

(iii) in subparagraph (C)—

(I) in clause (i), by striking "regularly scheduled 36-hour tour of duty within an administrative work week" and inserting "scheduled 72-hour period of service within an administrative pay period";

(II) in clause (ii), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(III) in clause (iii), by striking "regularly scheduled 36-hour tour of duty work week" and inserting "scheduled 72-hour period of service pay period"; and

(iv) in subparagraph (D), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(C) in paragraph (3), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service".

SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

(a) REINSTATEMENT OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—Section 7618 is amended by striking "December 31, 1998" and inserting "December 31, 2014".

(2) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Section 7612(b)(2) is amended by striking "(under section" and all that follows through "or vocational nurse." and inserting the following: "as an appointee under paragraph (1) or (3) of section 7401 of this title.".

(b) IMPROVEMENTS TO EDUCATION DEBT REDUCTION PROGRAM.—

(1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) is amended by inserting "and retention" after "recruitment" the first time it appears.

(2) ELIGIBILITY.—Section 7682 is amended—

(A) in subsection (a)(1), by striking "a recently appointed" and inserting "an"; and

(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE.—Section 7683(d)(1) is amended—

(A) by striking "$44,000" and inserting "$60,000"; and

(B) by striking "$10,000" and inserting "$12,000".

(c) LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288–5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans Affairs for the Veterans Health Administration for Medical Services.

SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STANDARDS.—

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by inserting after section 7402 the following new section:

"§ 7402A. Appointment and practice of physicians: standards

"(a) IN GENERAL.—The Secretary shall, acting through the Under Secretary for Health, prescribe standards to be met by individuals in order to qualify for appointment in the Veterans Health Administration in the position of physician and to practice as a physician in medical facilities of the Administration. The standards shall incorporate the requirements of this section.

"(b) DISCLOSURE OF CERTAIN INFORMATION BEFORE APPOINTMENT.—Each individual seeking appointment in the Veterans Health Administration in the position of physician shall do the following:

"(1) Provide the Secretary a full and complete explanation of the following:

"(A) Each lawsuit, civil action, or other claim (whether open or closed) brought against the individual for medical malpractice or negligence (other than a lawsuit, action, or claim closed without any judgment against or payment by or on behalf of the individual).

"(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

"(C) Each investigation or disciplinary action taken against the individual relating to the individual's performance as a physician.

"(2) Submit a written request and authorization to the State licensing board of each State in which the individual holds or has held a license to practice medicine to disclose to the Secretary any information in the records of such State on the following:

"(A) Each lawsuit, civil action, or other claim brought against the individual for medical malpractice or negligence covered by paragraph (1)(A) that occurred in such State.

"(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

"(C) Each medical malpractice judgment against the individual by the courts or administrative agencies or bodies of such State.

"(D) Each disciplinary action taken or under consideration against the individual by an administrative agency or body of such State.

"(E) Any change in the status of the license to practice medicine issued the individual by such State, including any voluntary or nondisciplinary surrendering of such license by the individual.

"(F) Any open investigation of the individual by an administrative agency or body of such State, or any outstanding allegation against the individual before such an administrative agency or body.

"(G) Any written notification by the State to the individual of potential termination of a license for cause or otherwise.

"(c) DISCLOSURE OF CERTAIN INFORMATION FOLLOWING APPOINTMENT.—(1) Each individual appointed in the Veterans Health Administration in the position of physician after the date of the enactment of this section shall, as a condition of service under the appointment, disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

"(A) A judgment against the individual for medical malpractice or negligence.

''(B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed under paragraph (1) or (2) of subsection (b).

''(C) Any disposition of or material change in a matter disclosed under paragraph (1) or (2) of subsection (b).

''(2) Each individual appointed in the Veterans Health Administration in the position of physician as of the date of the enactment of this section shall do the following:

''(A) Not later than the end of the 60-day period beginning on the date of the enactment of this section and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

''(B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

''(i) A judgment against the individual for medical malpractice or negligence.

''(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

''(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

''(3) Each individual appointed in the Veterans Health Administration in the position of physician shall, as part of the biennial review of the performance of the physician under the appointment, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraph (1) or (2), as applicable.

''(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is seeking appointment in the Veterans Health Administration in the position of physician shall perform an investigation (in such manner as the standards required by this section shall specify) of each matter disclosed under subsection (b) with respect to the individual.

''(2) The Director of the Veterans Integrated Services Network in which an individual is appointed in the Veterans Health Administration in the position of physician shall perform an investigation (in a manner so specified) of each matter disclosed under subsection (c) with respect to the individual.

''(3) The results of each investigation performed under this subsection shall be fully documented.

''(e) APPROVAL OF APPOINTMENTS BY DIRECTORS OF VISNS.—(1) An individual may not be appointed in the Veterans Health Administration in the position of physician without the approval of the Director of the Veterans Integrated Services Network in which the individual will first serve under the appointment.

''(2) In approving the appointment under this subsection of an individual for whom any matters have been disclosed under subsection (b), a Director shall—

''(A) certify in writing the completion of the performance of the investigation under subsection (d)(1) of each such matter, including the results of such investigation; and

''(B) provide a written justification why any matters raised in the course of such investigation do not disqualify the individual from appointment.

''(f) ENROLLMENT OF PHYSICIANS WITH PRACTICE PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each medical facility of the Department at which physicians are extended the privileges of practice shall enroll each physician extended such privileges in the Proactive Disclosure Service of the National Practitioner Data Bank.

''(g) ENCOURAGING HIRING OF PHYSICIANS WITH BOARD CERTIFICATION.—(1) The Secretary shall, for each performance contract with a Director of a Veterans Integrated Services Network (VISN), include in such contract a provision that encourages such director to hire physicians who are board eligible or board certified in the specialty in which the physicians will practice.

''(2) The Secretary may determine the nature and manner of the provision described in paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7402 the following new item:

''7402A. Appointment and practice of physicians: standards.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—Except as provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF CERTAIN REQUIREMENTS TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.—In the case of an individual appointed to the Veterans Health Administration in the position of physician as of the date of the enactment of this Act, the requirements of section 7402A(f) of title 38, United States Code, as added by subsection (a) of this section, shall take effect on the date that is 60 days after the date of the enactment of this Act.

(3) APPLICABILITY OF REQUIREMENTS RELATED TO HIRING OF PHYSICIANS WITH BOARD CERTIFICATION.—The requirement of section 7402A(g) of such title, as added by subsection (a), shall begin with the first cycle of performance contracts for directors of Veterans Integrated Services Networks beginning after the date of the enactment of this Act.

TITLE II—HEALTH CARE MATTERS

SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—

(1) IN GENERAL.—Section 8107 is repealed.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by striking ''Not later than March 1 of each year'' and inserting ''Not later than July 1, 2008, and July 1 of each of the five following years''.

SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

''(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.''.

SEC. 204. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.—Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) SEEKING PAYMENT FROM THIRD PARTIES.—Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

SEC. 205. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

''(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

''(ii) In this subparagraph, the term 'representative' means an individual, organization, or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.''.

SEC. 206. DISCLOSURE TO SECRETARY OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER OF CERTAIN VETERANS RECEIVING CARE.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

''§ 1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care

''(a) REQUIRED DISCLOSURE OF HEALTH-PLAN CONTRACTS.—(1) Any individual who

applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary such current information as the Secretary may require to identify any health-plan contract (as defined in section 1729(i) of this title) under which such individual is covered, to include, as applicable—

''(A) the name, address, and telephone number of such health-plan contract;

''(B) the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract;

''(C) the plan number; and

''(D) the plan's group code.

''(2) The care described in this paragraph is—

''(A) hospital, nursing home, or domiciliary care;

''(B) medical, rehabilitative, or preventive health services; or

''(C) other medical care under laws administered by the Secretary.

''(b) REQUIRED DISCLOSURE OF SOCIAL SECURITY NUMBER.—(1) Any individual who applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary—

''(A) the individual's social security number; and

''(B) the social security number of any dependent or Department beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such care.

''(2) The care described in this paragraph is—

''(A) hospital, nursing home, or domiciliary care;

''(B) medical, rehabilitative, or preventive health services; or

''(C) other medical care under laws administered by the Secretary.

''(3) This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

''(c) FAILURE TO DISCLOSE SOCIAL SECURITY NUMBER.—(1) The Secretary shall deny an individual's application for, or may terminate an individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if such individual does not provide the social security number required or requested to be submitted pursuant to subsection (b).

''(2) Following a denial or termination under paragraph (1) with respect to an individual, the Secretary may, upon receipt of the information required or requested under subsection (b), approve such individual's application or reinstate such individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

''(d) CONSTRUCTION.—Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 17 is amended by inserting after the item relating to section 1708 the following new item:

''1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.''.

SEC. 207. ENHANCEMENT OF QUALITY MANAGEMENT.

(a) ENHANCEMENT OF QUALITY MANAGEMENT THROUGH QUALITY MANAGEMENT OFFICERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by inserting after section 7311 the following new section:

''§ 7311A. Quality management officers

''(a) NATIONAL QUALITY MANAGEMENT OFFICER.—(1) The Under Secretary for Health shall designate an official of the Veterans Health Administration to act as the principal quality management officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the 'National Quality Management Officer of the Veterans Health Administration' (in this section referred to as the 'National Quality Management Officer').

''(2) The National Quality Management Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

''(3) The National Quality Management Officer shall be the official within the Veterans Health Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for the following:

''(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

''(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center of the Department, the National Surgical Quality Improvement Program of the American College of Surgeons, and the External Peer Review Program of the Veterans Health Administration, that could be used to assess reliably the quality of care provided at individual Department medical centers and associated community based outpatient clinics.

''(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General of the Department, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

''(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

''(E) Carrying out such other responsibilities and duties relating to quality management in the Veterans Health Administration as the Under Secretary for Health shall specify.

''(4) The requirements under paragraph (3) shall include requirements regarding the following:

''(A) A confidential system for the submittal of reports by Veterans Health Administration personnel regarding quality management at Department facilities.

''(B) Mechanisms for the peer review of the actions of individuals appointed in the Veterans Health Administration in the position of physician.

''(b) QUALITY MANAGEMENT OFFICERS FOR VISNS.—(1) The Regional Director of each Veterans Integrated Services Network (VISN) shall appoint an official of the Network to act as the quality management officer of the Network.

''(2) The quality management officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated Services Network, and to the National Quality Management Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

''(3) The quality management officer for a Veterans Integrated Services Network shall—

''(A) direct the quality management office in the Network; and

''(B) coordinate, monitor, and oversee the quality management programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality management requirements under such programs and activities throughout such facilities.

''(c) QUALITY MANAGEMENT OFFICERS FOR MEDICAL FACILITIES.—(1) The director of each Veterans Health Administration medical facility shall appoint a quality management officer for that facility.

''(2) The quality management officer for a facility shall report directly to the director of the facility, and to the quality management officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality management officer under this section.

''(3) The quality management officer for a facility shall be responsible for designing, disseminating, and implementing quality management programs and activities for the facility that meet the requirements established by the National Quality Management Officer under subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section.

''(2) There are authorized to be appropriated to carry out the provisions of subparagraphs (B), (C), and (D) of subsection (a)(3), $25,000,000 for the two-year period of fiscal years beginning after the date of the enactment of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7311 the following new item:

''7311A. Quality management officers.''.

(b) REPORTS ON QUALITY CONCERNS UNDER QUALITY-ASSURANCE PROGRAM.—Section 7311(b) is amended by adding at the end the following new paragraph:

''(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Veterans Health Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Veterans Health Administration facilities to the quality management officers of such facilities under section 7311A(b) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.''.

(c) REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of—

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

(C) the efficacy of the frequency with which regular data analyses are performed under the program; and

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT HEALTH CARE QUALITY MANAGEMENT.

(a) REPORT.—Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of sections 104 and 207 of this Act and the amendments made by such sections during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of sections 104 and 207 of this Act and the amendments made by such sections.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in such sections and the amendments made by such sections or to otherwise improve the quality of health care and the quality of the physicians in the Veterans Health Administration.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(2) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program under this section shall be carried out—

(A) in three medical facilities of the Department of Veterans Affairs; and

(B) if determined appropriate by the Secretary of Veterans Affairs and the Secretary of Defense, one medical facility of the Department of Defense.

(2) EMPHASIS ON POLYTRAUMA CENTERS.—In selecting the locations of the pilot program at facilities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(d) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot program under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(e) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot program under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(f) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot program under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(g) COSTS OF TRAINING.—

(1) TRAINING OF FAMILIES OF VETERANS.—Any costs of training provided under the pilot program under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot program for family members of members of the Armed Forces.

(h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under the pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(i) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program carried out under this section, including the recommendations of the Secretary with respect to expansion or modification of the pilot program.

(j) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to establish a mandate or right for a family caregiver to be trained and certified under this section; and

(2) to prohibit the Secretary from considering or adopting the preference of a veteran or member of the Armed Forces for services provided by a personal care attendant who is not a family caregiver.

(k) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ''family caregiver'' means a family member of such member or veteran, or such other individual of similar affinity to such member or veteran as the Secretary proscribes, who is providing care to such member or veteran for such traumatic brain injury.

SEC. 210. PILOT PROGRAM ON PROVISION OF RESPITE CARE TO MEMBERS OF THE ARMED FORCES AND VETERANS WITH TRAUMATIC BRAIN INJURY BY STUDENTS IN GRADUATE PROGRAMS OF EDUCATION RELATED TO MENTAL HEALTH OR REHABILITATION.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing respite care to members of the Armed Forces and veterans described in subsection (c) through students enrolled in graduate programs of education described in subsection (d)(1) to provide—

(1) relief to the family caregivers of such members and veterans from the responsibilities associated with providing care to such members and veterans; and

(2) socialization and cognitive skill development to such members and veterans.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) COVERED MEMBERS AND VETERANS.—The members of the Armed Forces and veterans described in this subsection are the individuals as follows:

(1) Members of the Armed Forces who have been diagnosed with traumatic brain injury, including limitations of ambulatory mobility, cognition, and verbal abilities.

(2) Veterans who have been so diagnosed.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not more than 10 locations selected by the Secretary of Veterans Affairs for purposes of the pilot program. Each location so selected shall be a medical facility of the Department of Veterans Affairs that is in close proximity to, or that has a relationship, affiliation, or established partnership with, an institution of higher education that has a graduate program in an appropriate mental health or rehabilitation related field, such as social work, nursing, psychology, occupational therapy, physical therapy, or interdisciplinary training programs.

(2) CONSIDERATIONS.—In selecting medical facilities of the Department for the pilot program, the Secretary shall give special consideration to the following:

(A) The polytrauma centers of the Department designated as Tier I polytrauma centers.

(B) Facilities of the Department in regions with a high concentration of veterans with traumatic brain injury.

(e) SCOPE OF ASSISTANCE.—

(1) USE OF GRADUATE STUDENTS.—In carrying out the pilot program, the Secretary shall—

(A) recruit students enrolled in a graduate program of education selected by the Secretary under subsection (d)(1) to provide respite care to the members of the Armed Forces and veterans described in subsection (c);

(B) train such students to provide respite care to such members and veterans; and

(C) match such students with such members and veterans in the student's local area for the provision of individualized respite care to such members and veterans.

(2) DETERMINATIONS IN CONJUNCTION WITH HEADS OF GRADUATE PROGRAMS OF EDUCATION.—The Secretary shall determine, in collaboration with the head of the graduate program of education chosen to participate in the pilot program under subsection (d)(1), the following:

(A) The amount of training that a student shall complete before providing respite care under the pilot program.

(B) The number of hours of respite care to be provided by the students who participate in the pilot program.

(C) The requirements for successful participation by a student in the pilot program.

(f) TRAINING STANDARDS AND BEST PRACTICES.—In providing training under subsection (e)(1)(B), the Secretary shall use—

(1) applicable standards and protocols used by certification programs of national brain injury care specialist organizations in the provision of respite care training; and

(2) best practices recognized by caregiving organizations.

(g) DEFINITIONS.—In this section:

(1) FAMILY CAREGIVER.—With respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ''family caregiver'' means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

(2) RESPITE CARE.—The term ''respite care'' means the temporary provision of care to an individual to provide relief to the regular caregiver of the individual from the ongoing responsibility of providing care to such individual.

SEC. 211. PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of using community-based organizations and local and State government entities—

(1) to increase the coordination of community, local, State, and Federal providers of health care and benefits for veterans to assist veterans who are transitioning from military service to civilian life in such transition;

(2) to increase the availability of high quality medical and mental health services to veterans transitioning from military service to civilian life;

(3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adjust to such transition; and

(4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.

(2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in—

(A) rural areas;

(B) areas with populations that have a high proportion of minority group representation;

(C) areas with populations that have a high proportion of individuals who have limited access to health care; and

(D) areas that are not in close proximity to an active duty military installation.

(d) GRANTS.—The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) IN GENERAL.—A community-based organization or local or State government entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A description of how the proposal was developed in consultation with the Department of Veterans Affairs.

(B) A plan to coordinate activities under the pilot program, to the greatest extent possible, with the local, State, and Federal providers of services for veterans to reduce duplication of services and to increase the effect of such services.

(f) USE OF GRANT FUNDS.—The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

(g) REPORT ON PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

(B) An assessment of the benefits to veterans of the pilot program.

(C) The recommendations of the Secretary as to the advisability of continuing the pilot program.

SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

''(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran's nursing needs.''.

SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO THIRD PARTY FOR COLLECTION OF CHARGES FOR PROVISION OF CERTAIN CARE.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end the following new subsection:

''(l) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.''.

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2), as amended by section 205 of this Act, is further amended by adding at the end the following new subparagraph:

''(G) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.''.

SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF PROJECT SHIPBOARD HAZARD AND DEFENSE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct an expanded study on the health impact of Project Shipboard Hazard and Defense (Project SHAD).

(b) COVERED VETERANS.—The study required by subsection (a) shall include, to the extent practicable, all veterans who participated in Project Shipboard Hazard and Defense.

(c) UTILIZATION OF EXISTING STUDIES.—The study required by subsection (a) may use results from the study covered in the report entitled ''Long-Term Health Effects of Participation in Project SHAD'' of the Institute of Medicine of the National Academies.

SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.

Section 1710E is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

''(b) COVERED INDIVIDUALS.—The care and services provided under subsection (a) shall be made available to an individual—

''(1) who is described in section 1710C(a) of this title; and

''(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

''(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation for such individual.''; and

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

''(d) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.''.

SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN PROGRAMS FOR STATE VETERANS HOMES.

(a) TREATMENT OF TRIBAL ORGANIZATION HEALTH FACILITIES AS STATE HOMES.—Section 8138 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A health facility (or certain beds in a health facility) of a tribal organization is treatable as a State home under subsection (a) in accordance with the provisions of that subsection.

''(2) Except as provided in paragraph (3), the provisions of this section shall apply to a health facility (or certain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

''(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).''.

(b) STATE HOME FACILITIES FOR DOMICILIARY, NURSING, AND OTHER CARE.—

(1) IN GENERAL.—Chapter 81 is further amended—

(A) in section 8131, by adding at the end the following new paragraph:

''(5) The term 'tribal organization' has the meaning given such term in section 3765 of this title.'';

(B) in section 8132, by inserting ''and tribal organizations'' after ''the several States''; and

(C) by inserting after section 8133 the following new section:

"§ 8133A. Tribal organizations

''(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award a grant to a tribal organization under this subchapter in order to carry out the purposes of this subchapter.

''(b) MANNER AND CONDITION OF GRANT AWARDS.—(1) Grants to tribal organizations under this section shall be awarded in the same manner, and under the same conditions, as grants awarded to the several States under the provisions of this subchapter, subject to such exceptions as the Secretary shall prescribe for purposes of this subchapter to take into account the unique circumstances of tribal organizations.

''(2) For purposes of according priority under subsection (c)(2) of section 8135 of this title to an application submitted under subsection (a) of such section, an application submitted under such subsection (a) by a tribal organization of a State that has previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home shall be considered under subparagraph (C) of such subsection (c)(2) an application from a tribal organization that has not previously applied for such a grant.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8133 the following new item:

''8133A. Tribal organizations.''.

SEC. 217. PILOT PROGRAM ON PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b).

(b) COVERED VETERANS AND SURVIVORS AND DEPENDENTS.—The veterans and survivors and dependents of veterans described in this subsection are as follows:

(1) Any veteran who is enrolled in the system of annual patient enrollment under section 1705 of this title.

(2) Any survivor or dependent of a veteran who is eligible for medical care under section 1781 of this title.

(c) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act.

(d) PILOT PROGRAM LOCATIONS.—The pilot program shall be carried out in not less than two and not more than four Veterans Integrated Services Networks (VISNs) selected by the Secretary of Veterans Affairs for purposes of the pilot program.

(e) ADMINISTRATION.—The Secretary of Veterans Affairs shall contract with a dental insurer to administer the dental plan provided under the pilot program.

(f) BENEFITS.—The dental insurance plan under the pilot program shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

(g) ENROLLMENT.—

(1) VOLUNTARY.—Enrollment in the dental insurance plan under this section shall be voluntary.

(2) MINIMUM PERIOD.—Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

(h) PREMIUMS.—

(1) IN GENERAL.—Premiums for coverage under the dental insurance plan under the pilot program shall be in such amount or amounts as the Secretary of Veterans Affairs shall prescribe to cover all costs associated with the pilot program.

(2) ANNUAL ADJUSTMENT.—The Secretary shall adjust the premiums payable under the pilot program for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time of such an adjustment shall be notified of the amount and effective date of such adjustment.

(3) RESPONSIBILITY FOR PAYMENT.—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

(i) VOLUNTARY DISENROLLMENT.—

(1) IN GENERAL.—With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall—

(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(2) ALLOWABLE CIRCUMSTANCES.—The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents utilization of the benefits under the dental insurance plan.

(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(j) RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of title 38, United States Code, and the participation of an individual in the dental insurance plan under the pilot program shall not affect the individual's entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

(k) REGULATIONS.—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.

TITLE III—WOMEN VETERANS HEALTH CARE

SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH CARE FOR WOMEN VETERANS.

(a) REPORT.—Not later than June 1, 2010, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the barriers to the receipt of comprehensive health care through the Department of Veterans Affairs that are encountered by women veterans, especially veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

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

(1) An identification and assessment of the following:

(A) Any stigma perceived or associated with seeking mental health care services through the Department of Veterans Affairs.

(B) The effect on access to care through the Department of driving distance or availability of other forms of transportation to the nearest appropriate facility of the Department.

(C) The availability of child care.

(D) The receipt of health care through women's health clinics, integrated primary care clinics, or both.

(E) The extent of comprehension of eligibility requirements for health care through the Department, and the scope of health care services available through the Department.

(F) The quality and nature of the reception of women veterans by Department health care providers and other staff.

(G) The perception of personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(H) The sensitivity of Department health care providers and other staff to issues that particularly affect women.

(I) The effectiveness of outreach on health care services of the Department that are available to women veterans.

(J) Such other matters as the Secretary identifies for purposes of the assessment.

(2) Such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the report.

(c) FACILITY OF THE DEPARTMENT DEFINED.—In this section, the term ''facility of the Department'' has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE SERVICES TO WOMEN VETERANS.

(a) PLAN TO IMPROVE SERVICES.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop a plan—

(A) to improve the provision of health care services to women veterans; and

(B) to plan appropriately for the future health care needs, including mental health care needs, of women serving on active duty in the Armed Forces in the combat theaters of Operation Iraqi Freedom and Operation Enduring Freedom.

(2) REQUIRED ACTIONS.—In developing the plan required by this subsection, the Secretary of Veterans Affairs shall—

(A) identify the types of health care services to be available to women veterans at each Department of Veterans Affairs medical center; and

(B) identify the personnel and other resources required to provide such services to women veterans under the plan at each such medical center.

(b) SUBMITTAL OF PLAN TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the plan required by this section, along with such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the plan.

SEC. 303. INDEPENDENT STUDY ON HEALTH CONSEQUENCES OF WOMEN VETERANS OF MILITARY SERVICE IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall enter into an agreement with a non-Department of Veterans Affairs entity for the purpose of conducting a study on health consequences for women veterans of service on active duty in the Armed

Forces in deployment in Operation Iraqi Freedom and Operation Enduring Freedom.

(b) SPECIFIC MATTERS STUDIED.—The study under subsection (a) shall include the following:

(1) A determination of any association of environmental and occupational exposures and combat in Operation Iraqi Freedom or Operation Enduring Freedom with the general health, mental health, or reproductive health of women who served on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) A review and analysis of published literature on environmental and occupational exposures of women while serving in the Armed Forces, including combat trauma, military sexual trauma, and exposure to potential teratogens associated with reproductive problems and birth defects.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after entering into the agreement for the study under subsection (a), the entity described in subsection (a) shall submit to the Secretary of Veterans Affairs and to Congress a report on the study containing such findings and determinations as the entity considers appropriate.

(2) RESPONSIVE REPORT.—Not later than 90 days after the receipt of the report under paragraph (1), the Secretary shall submit to Congress a report setting forth the response of the Secretary to the findings and determinations of the entity described in subsection (a) in the report under paragraph (1).

SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA.

(a) PROGRAM REQUIRED.—Section 1720D is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d)(1) The Secretary shall implement a program for education, training, certification, and continuing medical education for mental health professionals to specialize in the provision of counseling and care to veterans eligible for services under subsection (a). In carrying out the program, the Secretary shall ensure that all such mental health professionals have been trained in a consistent manner and that such training includes principles of evidence-based treatment and care for sexual trauma.

''(2) The Secretary shall determine the minimum qualifications necessary for mental health professionals certified by the program under paragraph (1) to provide evidence-based treatment and therapy to veterans eligible for services under subsection (a) in facilities of the Department.

''(e) The Secretary shall submit to Congress each year a report on the counseling, care, and services provided to veterans under this section. Each report shall include data for the preceding year with respect to the following:

''(1) The number of mental health professionals and primary care providers who have been certified under the program under subsection (d), and the amount and nature of continuing medical education provided under such program to professionals and providers who have been so certified.

''(2) The number of women veterans who received counseling, care, and services under subsection (a) from professionals and providers who have been trained or certified under the program under subsection (d).

''(3) The number of training, certification, and continuing medical education programs operating under subsection (d).

''(4) The number of trained full-time equivalent employees required in each facility of the Department to meet the needs of veterans requiring treatment and care for sexual trauma.

''(5) Such other information as the Secretary considers appropriate.''.

(b) STANDARDS FOR PERSONNEL PROVIDING TREATMENT FOR SEXUAL TRAUMA.—The Secretary of Veterans Affairs shall establish education, training, certification, and staffing standards for Department of Veterans Affairs health-care facilities for full-time equivalent employees who are trained to provide treatment and care to veterans for sexual trauma.

SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out, through the Readjustment Counseling Service of the Veterans Health Administration, a pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services described in subsection (b) in group retreat settings to women veterans who are recently separated from service in the Armed Forces after a prolonged deployment.

(2) PARTICIPATION AT ELECTION OF VETERAN.—The participation of a veteran in the pilot program under this section shall be at the election of the veteran.

(b) COVERED SERVICES.—The services provided to a woman veteran under the pilot program shall include the following:

(1) Information on reintegration into the veteran's family, employment, and community.

(2) Financial counseling.

(3) Occupational counseling.

(4) Information and counseling on stress reduction.

(5) Information and counseling on conflict resolution.

(6) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran's family and community.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $2,000,000 to carry out the pilot program.

SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PROGRAM MANAGERS AT MEDICAL CENTERS.

The Secretary shall, acting through the Under Secretary for Health, submit to Congress a report on employment of full-time women veterans program managers at Department of Veterans Affairs medical centers to ensure that health care needs of women veterans are met. Such report should include an assessment of whether there is at least one full-time employee at each Department medical center who is a full-time women veterans program manager.

SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF WOMEN RECENTLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(a)(2)(A) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iii) the following new clause:

''(iv) women veterans who are recently separated from service in the Armed Forces.''.

(b) ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(a)(2)(A) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appointments made on or after the date of the enactment of this Act.

SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to subsection (b), subsidies to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in such subsection.

(b) LIMITATION ON PERIOD OF PAYMENTS.—A subsidy may only be provided to a qualified veteran under the pilot program for receipt of child care during the period that the qualified veteran—

(1) receives the types of health care services referred to in subsection (c) at a facility of the Department; and

(2) requires to travel to and return from such facility for the receipt of such health care services.

(c) QUALIFIED VETERANS.—In this section, the term ''qualified veteran'' means a veteran who is the primary caretaker of a child or children and who is receiving from the Department one or more of the following health care services:

(1) Regular mental health care services.

(2) Intensive mental health care services.

(3) Such other intensive health care services that the Secretary determines that payment to the veteran for the provision of child care would improve access to those health care services by the veteran.

(d) LOCATIONS.—The Secretary shall carry out the pilot program in no fewer than three Veterans Integrated Service Networks (VISNs) selected by the Secretary for purposes of the pilot program.

(e) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(f) EXISTING MODEL.—To the extent practicable, the Secretary shall model the pilot program after the Department of Veterans Affairs Child Care Subsidy Program that was established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552), using the same income eligibility standards and payment structure.

(g) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the findings and conclusions of the Secretary as a result of the pilot program,

and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $1,500,000 to carry out the pilot program.

SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

"SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

''(a) IN GENERAL.—The Secretary may furnish health care services described in subsection (b) to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for not more than 7 days after the birth of the child if the veteran delivered the child in—

''(1) a facility of the Department; or

''(2) another facility pursuant to a Department contract for services relating to such delivery.

''(b) COVERED HEALTH CARE SERVICES.—Health care services described in this subsection are all post-delivery care services, including routine care services, that a newborn requires.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1785 the following new item:

''1786. Care for newborn children of women veterans receiving maternity care.''.

TITLE IV—MENTAL HEALTH CARE

SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM FOR COUNSELING AND SERVICES THROUGH READJUSTMENT COUNSELING SERVICE.

(a) IN GENERAL.—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through the Readjustment Counseling Service of the Veterans Health Administration.

(b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY SERVICE.—A member of the Armed Forces who meets the requirements for eligibility for counseling and services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

(c) REGULATIONS.—The eligibility of members of the Armed Forces for counseling and services under subsection (a) shall be subject to such regulations as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe for purposes of this section.

(d) SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The provision of counseling and services under subsection (a) shall be subject to the availability of appropriations for such purpose.

SEC. 402. RESTORATION OF AUTHORITY OF READJUSTMENT COUNSELING SERVICE TO PROVIDE REFERRAL AND OTHER ASSISTANCE UPON REQUEST TO FORMER MEMBERS OF THE ARMED FORCES NOT AUTHORIZED COUNSELING.

Section 1712A is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall—

''(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

''(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service, and to the Department, for review of such individual's discharge or release from such service.''.

SEC. 403. STUDY ON SUICIDES AMONG VETERANS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study to determine the number of veterans who died by suicide between January 1, 1997, and the date of the enactment of this Act.

(b) COORDINATION.—In carrying out the study under subsection (b) the Secretary of Veterans Affairs shall coordinate with—

(1) the Secretary of Defense;

(2) Veterans Service Organizations;

(3) the Centers for Disease Control and Prevention; and

(4) State public health offices and veterans agencies.

(c) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study required under subsection (b) and the findings of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES FOR GRADUATE PSYCHOLOGY EDUCATION PROGRAM.

(a) TRANSFER OF FUNDS.—Not later than September 30, 2010, the Secretary of Veterans Affairs shall transfer $5,000,000 from accounts of the Veterans Health Administration to the Secretary of Health and Human Services for the Graduate Psychology Education program established under section 755(b)(1)(J) of the Public Health Service Act (42 U.S.C. 294e(b)(1)(J)).

(b) USE OF FUNDS TRANSFERRED.—Funds transferred under subsection (a) shall be used to award grants to support the training of psychologists in the treatment of veterans with post traumatic stress disorder, traumatic brain injury, and other combat-related disorders.

(c) PREFERENCE FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES.—In the awarding of grants under subsection (b), the Graduate Psychology Education program shall give preference to health care facilities of the Department of Veterans Affairs and graduate programs of education that are affiliated with such facilities.

TITLE V—HOMELESS VETERANS

SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING ON CERTAIN MILITARY PROPERTY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing that is located on qualifying property described in subsection (b).

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is property that—

(1) was part of a military installation that was closed in accordance with—

(A) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(B) subchapter III of chapter 5 of title 40, United States Code; and

(2) the Secretary of Defense determines, after considering any redevelopment plans of any local redevelopment authority relating to such property, may be used to assist the homeless in accordance with such redevelopment plan.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(e) VERY LOW INCOME DEFINED.—In this section, the term ''very low income'' has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading ''General Operating Expenses'', not more than $3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING IN PERMANENT HOUSING.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing.

(2) NUMBER OF GRANTS.—The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) QUALIFYING PROPERTY.—Qualifying property under the pilot program is any property in the United States on which permanent housing is provided or afforded to formerly homeless veterans, as determined by the Secretary.

(c) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) DURATION OF PILOT PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years

after the date of the commencement of the pilot program.

(e) VERY LOW INCOME DEFINED.—In this section, the term ''very low income'' has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading ''General Operating Expenses'', not more than $3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE OUTREACH TO INFORM CERTAIN VETERANS ABOUT PENSION BENEFITS.

(a) AUTHORITY TO MAKE GRANTS.—In addition to the outreach authority provided to the Secretary of Veterans Affairs by section 6303 of title 38, United States Code, the Secretary may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) for services to provide outreach to inform low-income and elderly veterans and their spouses who reside in rural areas of benefits for which they may be eligible under chapter 15 of such title.

(b) CRITERIA FOR GRANTS.—The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(c) DURATION OF PILOT PROGRAM.—The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading ''General Operating Expenses'', not more than $1,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE TRANSPORTATION ASSISTANCE, CHILD CARE ASSISTANCE, AND CLOTHING ASSISTANCE TO VETERANS ENTITLED TO A REHABILITATION PROGRAM.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (g), the Secretary of Veterans Affairs may carry out a pilot program to assess the feasibility and advisability of providing financial assistance to eligible entities to establish new programs or activities, or expand or modify existing programs or activities, to provide to each eligible transitioning individual who is entitled and eligible for a rehabilitation program under chapter 31 of title 38, United States Code, the following assistance:

(A) Transportation assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include—

(i) providing transportation;

(ii) paying for or reimbursing transportation costs; and

(iii) paying for or reimbursing other transportation-related expenses (including orientation on the use of transportation) .

(B) Child care assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include—

(i) child care services; or

(ii) reimbursement of expenses related to child care.

(C) Clothing assistance, which may include personal services in selecting, and payment of a monetary allowance to cover the cost of purchasing, clothing and accessories suitable for a job interview or related activity consistent with such eligible transitioning individual's participation in such rehabilitation program or related activity.

(2) ELIGIBLE TRANSITIONING INDIVIDUAL.—For purposes of this section, an eligible transitioning individual is a person—

(A) described in section 3102 of title 38, United States Code; or

(B) who was separated or released from active duty in the Armed Forces on or after October 1, 2006, because of a service-connected disability.

(b) DURATION OF PROGRAM.—The authority of the Secretary to provide grants under a pilot program established under subsection (a)(1) shall cease on the date that is three years after the date of the commencement of the pilot program.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out the pilot program through the award of grants to eligible entities to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1).

(2) GRANT CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish criteria and requirements for grants under the pilot program, including criteria for eligible entities to receive such grants. The criteria established under this subparagraph shall include the following:

(i) Specification as to the kinds of projects or activities for which grants are available.

(ii) Specification as to the number of projects or activities for which grants are available.

(iii) Provisions to ensure that grants awarded under the pilot program do not result in duplication of ongoing services.

(B) PUBLICATION OF CRITERIA IN FEDERAL REGISTER.—The Secretary shall publish the criteria and requirements established under subparagraph (A) in the Federal Register.

(3) FUNDING LIMITATION.—A grant under the pilot program may not be used to support the operational costs of an eligible entity.

(d) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a public or nonprofit organization (including a faith-based or community organization) that—

(1) has the capacity to administer effectively a grant under the pilot program, as determined by the Secretary of Veterans Affairs;

(2) demonstrates that adequate financial support will be available to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1) consistent with the plans, specifications, and schedule submitted by the applicant to the Secretary under subsection (e)(2);

(3) agrees to meet the applicable criteria and requirements established under subsection (c)(2) and described in subsection (e)(2)(C); and

(4) has the capacity, as determined by the Secretary, to meet the criteria and requirements described in paragraph (3).

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

(A) The amount of the grant sought for the project or activity.

(B) Plans, specifications, and the schedule for implementation of the project or activity in accordance with criteria and requirements prescribed by the Secretary under subsection (c)(2).

(C) An agreement—

(i) to provide the services for which the grant is sought at locations accessible to eligible transitioning individuals;

(ii) to ensure the confidentiality of records maintained on eligible transitioning individuals receiving services through the pilot program; and

(iii) to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under this section.

(3) APPLICANT AGREEMENT.—The Secretary may not select an eligible entity for a grant under the pilot program unless the eligible entity agrees to the provisions listed in paragraph (2)(C).

(f) RECOVERY OF UNUSED GRANT AMOUNTS.—

(1) IN GENERAL.—The United States shall be entitled to recover from a grant recipient under this section the total of all unused grant amounts made under this section to such recipient in connection with such program if such grant recipient—

(A) does not establish a program or activity in accordance with this section; or

(B) ceases to furnish services under such a program for which the grant was made.

(2) OBLIGATION.—Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary of Veterans Affairs without fiscal year limitation to carry out provisions of this section.

(3) LIMITATION ON RECOVERY.—An amount may not be recovered under paragraph (1)(A) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from amounts made available under the heading ''General Operating Expenses'', not more than $5,000,000 in each of fiscal years 2010 through 2012 to carry out this section.

SEC. 505. ASSESSMENT OF PILOT PROGRAMS.

(a) PROGRESS REPORTS.—Not less than one year before the expiration of the authority to carry out a pilot program authorized by sections 501 through 504, the Secretary of Veterans Affairs shall submit to Congress a progress report on such pilot program.

(b) CONTENTS.—Each progress report submitted for a pilot program under subsection (a) shall include the following:

(1) The lessons learned by the Secretary of Veterans Affairs with respect to such pilot program that can be applied to other programs with similar purposes.

(2) The recommendations of the Secretary on whether to continue such pilot program.

(3) The number of veterans and dependents served by such pilot program.

(4) An assessment of the quality of service provided to veterans and dependents under such pilot program.

(5) The amount of funds provided to grant recipients under such pilot program.

(6) The names of organizations that have received grants under such pilot program.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.

(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—

(1) IN GENERAL.—Section 7361 is amended—

(A) by redesignating subsection (b) as subsection (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a 'multi-medical center research corporation'.

''(2) The board of directors of a multi-medical center research corporation under this subsection shall include the official at each Department medical center concerned who is, or who carries out the responsibilities of, the medical center director of such center as specified in section 7363(a)(1)(A)(i) of this title.

''(3) In facilitating the conduct of research, education, or both at more than one Department medical center under this subchapter, a multi-medical center research corporation may administer receipts and expenditures relating to such research, education, or both, as applicable, performed at the Department medical centers concerned.''.

(2) EXPANSION OF EXISTING CORPORATIONS TO MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) A corporation established under this subchapter may act as a multi-medical center research corporation under this subchapter in accordance with subsection (b) if—

''(1) the board of directors of the corporation approves a resolution permitting facilitation by the corporation of the conduct of research, education, or both at the other Department medical center or medical centers concerned; and

''(2) the Secretary approves the resolution of the corporation under paragraph (1).''.

(b) RESTATEMENT AND MODIFICATION OF AUTHORITIES ON APPLICABILITY OF STATE LAW.—

(1) IN GENERAL.—Section 7361, as amended by subsection (a) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

''(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located.''.

(2) CONFORMING AMENDMENT.—Section 7365 is repealed.

(c) CLARIFICATION OF STATUS OF CORPORATIONS.—Section 7361, as amended by this section, is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) Except as otherwise provided in this subchapter or under regulations prescribed by the Secretary, any corporation established under this subchapter, and its officers, directors, and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives that apply generally to private nonprofit corporations.

''(2) A corporation under this subchapter is not—

''(A) owned or controlled by the United States; or

''(B) an agency or instrumentality of the United States.''.

(d) REINSTATEMENT OF REQUIREMENT FOR 501(C)(3) STATUS OF CORPORATIONS.—Subsection (e) of section 7361, as redesignated by subsection (a)(1) of this section, is further amended by inserting ''section 501(c)(3) of'' after ''exempt from taxation under''.

SEC. 602. CLARIFICATION OF PURPOSES OF CORPORATIONS.

(a) CLARIFICATION OF PURPOSES.—Subsection (a) of section 7362 is amended—

(1) in the first sentence—

(A) by striking ''Any corporation'' and all that follows through ''facilitate'' and inserting ''A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of''; and

(B) by inserting before the period at the end the following: ''or centers''; and

(2) in the second sentence, by inserting ''or centers'' after ''at the medical center''.

(b) MODIFICATION OF DEFINED TERM RELATING TO EDUCATION AND TRAINING.—Subsection (b) of such section is amended in the matter preceding paragraph (1) by striking ''the term 'education and training' '' and inserting ''the term 'education' includes education and training and''.

(c) REPEAL OF ROLE OF CORPORATIONS WITH RESPECT TO FELLOWSHIPS.—Paragraph (1) of subsection (b) of such section is amended by striking the flush matter following subparagraph (C).

(d) AVAILABILITY OF EDUCATION FOR FAMILIES OF VETERAN PATIENTS.—Paragraph (2) of subsection (b) of such section is amended by striking ''to patients and to the families'' and inserting ''and includes education and training for patients and families''.

SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS OF DIRECTORS OF CORPORATIONS.

(a) REQUIREMENTS FOR DEPARTMENT BOARD MEMBERS.—Paragraph (1) of section 7363(a) is amended to read as follows:

''(1) with respect to the Department medical center—

''(A)(i) the director (or directors of each Department medical center, in the case of a multi-medical center research corporation);

''(ii) the chief of staff; and

''(iii) as appropriate for the activities of such corporation, the associate chief of staff for research and the associate chief of staff for education; or

''(B) in the case of a Department medical center at which one or more of the positions referred to in subparagraph (A) do not exist, the official or officials who are responsible for carrying out the responsibilities of such position or positions at the Department medical center; and''.

(b) REQUIREMENTS FOR NON-DEPARTMENT BOARD MEMBERS.—Paragraph (2) of such section is amended—

(1) by inserting ''not less than two'' before ''members''; and

(2) by striking ''and who'' and all that follows through the period at the end and inserting ''and who have backgrounds, or business, legal, financial, medical, or scientific expertise, of benefit to the operations of the corporation.''.

(c) CONFLICTS OF INTEREST.—Subsection (c) of section 7363 is amended by striking '', employed by, or have any other financial relationship with'' and inserting ''or employed by''.

SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.

(a) IN GENERAL.—Section 7364 is amended to read as follows:

''§ 7364. General powers

''(a) IN GENERAL.—(1) A corporation established under this subchapter may, solely to carry out the purposes of this subchapter—

''(A) accept, administer, retain, and spend funds derived from gifts, contributions, grants, fees, reimbursements, and bequests from individuals and public and private entities;

''(B) enter into contracts and agreements with individuals and public and private entities;

''(C) subject to paragraph (2), set fees for education and training facilitated under section 7362 of this title, and receive, retain, administer, and spend funds in furtherance of such education and training;

''(D) reimburse amounts to the applicable appropriation account of the Department for the Office of General Counsel for any expenses of that Office in providing legal services attributable to research and education agreements under this subchapter; and

''(E) employ such employees as the corporation considers necessary for such purposes and fix the compensation of such employees.

''(2) Fees charged under paragraph (1)(C) for education and training described in that paragraph to individuals who are officers or employees of the Department may not be paid for by any funds appropriated to the Department.

''(3) Amounts reimbursed to the Office of General Counsel under paragraph (1)(D) shall be available for use by the Office of the General Counsel only for staff and training, and related travel, for the provision of legal services described in that paragraph and shall remain available for such use without fiscal year limitation.

''(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1) Except as provided in paragraph (2), any funds received by the Secretary for the conduct of research or education at a Department medical center or centers, other than funds appropriated to the Department, may be transferred to and administered by a corporation established under this subchapter for such purposes.

''(2) A Department medical center may reimburse the corporation for all or a portion of the pay, benefits, or both of an employee of the corporation who is assigned to the Department medical center if the assignment is carried out pursuant to subchapter VI of chapter 33 of title 5.

''(3) A Department medical center may retain and use funds provided to it by a corporation established under this subchapter. Such funds shall be credited to the applicable appropriation account of the Department and shall be available, without fiscal year limitation, for the purposes of that account.

''(c) RESEARCH PROJECTS.—Except for reasonable and usual preliminary costs for project planning before its approval, a corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Under Secretary for Health for research carried out with Department funds. Such procedures shall include a scientific review process.

''(d) EDUCATION ACTIVITIES.—Except for reasonable and usual preliminary costs for activity planning before its approval, a corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

''(e) POLICIES AND PROCEDURES.—The Under Secretary for Health may prescribe policies and procedures to guide the spending of funds by corporations established under this subchapter that are consistent with the purpose of such corporations as flexible funding mechanisms and with Federal and State laws and regulations, and executive orders, circulars, and directives that apply generally to the receipt and expenditure of funds by nonprofit organizations exempt from taxation

under section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENT.—Section 7362(a), as amended by section 602(a)(1) of this Act, is further amended by striking the last sentence.

SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38, UNITED STATES CODE.

(a) REDESIGNATION.—Section 7364A is redesignated as section 7365.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 is amended—

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item:

''7365. Coverage of employees under certain Federal tort claims laws.''.

SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.

(a) ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Subsection (b) of section 7366 is amended to read as follows:

''(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

''(2)(A) A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year.

''(B) A corporation with annual revenues between $10,000 and $300,000 shall obtain an audit of the corporation at least once every three years.

''(C) Any audit under this paragraph shall be performed by an independent auditor.

''(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

''(A) The most recent audit of the corporation under paragraph (2).

''(B) The most recent Internal Revenue Service Form 990 'Return of Organization Exempt from Income Tax' or equivalent and the applicable schedules under such form.''.

(b) CONFIRMATION OF APPLICATION OF CONFLICT OF INTEREST REGULATIONS TO APPROPRIATE CORPORATION POSITIONS.—Subsection (c) of such section is amended—

(1) by striking ''laws and'' each place it appears;

(2) in paragraph (1)—

(A) by inserting ''each officer and'' after ''under this subchapter,''; and

(B) by striking '', and each employee of the Department'' and all that follows through ''during any year''; and

(3) in paragraph (2)—

(A) by inserting '', officer,'' after ''verifying that each director''; and

(B) by striking ''in the same manner'' and all that follows before the period at the end.

(c) ESTABLISHMENT OF APPROPRIATE PAYEE REPORTING THRESHOLD.—Subsection (d)(3)(C) of such section is amended by striking ''$35,000'' and inserting ''$50,000''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

''(A) enforce Federal laws;

''(B) enforce the rules prescribed under section 901 of this title;

''(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

''(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

''(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected local, State, or Federal law enforcement agencies; and

''(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) of this paragraph when engaged in duties authorized by other Federal statutes.'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by inserting '', and on any arrest warrant issued by competent judicial authority'' before the period; and

(2) by amending subsection (c) to read as follows:

''(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.''.

SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

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

''(b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of—

''(A) the amount currently allowed as prescribed by the Office of Personnel Management; or

''(B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

''(2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.''; and

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

''(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.''.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 254. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am pleased to join my colleague, Senator LINCOLN of Arkansas, to introduce the Medicare Home Infusion Coverage Act. As we do so, we recognize that Medicare has serious fiscal challenges. Currently, the Part A, Hospital, Trust Fund faces insolvency in 2019, when expenditures will exceed projected contributions and require additional taxpayer support to maintain the care required by our seniors and so many disabled Americans. At the same time, today Medicare beneficiaries struggle under the burden of paying nearly half of their health care costs. So the legislation we are re-introducing is vital to addressing the fiscal issues affecting Medicare.

Many serious conditions—including some cancers and drug-resistant infections—require the use of infusion therapy. Such treatment involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services—such as sterile drug compounding, care coordination, and patient education and monitoring—are components of such therapy. Infusion treatment is an extensive medical treatment often lasting for several hours per day over a 6-to-8 week period.

The unfortunate fact is that under current Medicare rules, patients requiring infusion therapy must either bear that cost themselves or endure costly and unnecessary hospitalization in order to receive coverage—raising costs for both beneficiaries and Medicare alike. Current Medicare regulations authorize payment for infusion drugs, but do not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though home infusion therapy may cost as little as $100 a day, too few seniors can bear that cost.

The result is that patients are excessively hospitalized, producing costs of treatment as much as 10–20 times higher than treatment in the home. The process may even place the patient's health in jeopardy because unnecessary hospitalization places individuals at risk of exposure to a health care-acquired infection—which may be drug resistant and life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus, private insurance coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have a familiar, comfortable environment with their family conveniently at hand—no small concerns when fighting a serious illness.

It is clear we must change the status quo, and achieve safer, more cost-effective treatment. By extending coverage of infusion therapy to the home, we will correct this inappropriate and unnecessary gap in Medicare coverage and take a significant step in reducing Medicare costs. This legislation offers an alternative to allowing our Medicare beneficiaries to be overcome with health care costs that are rising faster than inflation by reforming care delivery to emphasize high quality, lower cost services.

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

Mr. President, I ask unanimous consent that the text of the bill to 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. 254

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Home Infusion Therapy Coverage Act of 2009''.

SEC. 2. MEDICARE COVERAGE OF HOME INFUSION THERAPY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (DD);

(B) by adding ''and'' at the end of subparagraph (EE); and

(C) by adding at the end the following new subparagraph:

''(FF) home infusion therapy (as defined in subsection (hhh)(1));''; and

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

''Home Infusion Therapy

''(hhh)(1) The term 'home infusion therapy' means the following items and services furnished to an individual, who is under the care of a physician, which are provided by a qualified home infusion therapy provider under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are provided in an integrated manner in the individual's home in conformance with uniform standards of care established by the Secretary (after taking into account the standards commonly used for home infusion therapy by Medicare Advantage plans and in the private sector and after consultation with all interested stakeholders) and in coordination with the provision of covered infusion drugs under part D:

''(A) Professional services other than nursing services provided in accordance with the plan (including administrative, compounding, dispensing, distribution, clinical monitoring and care coordination services) and all necessary supplies and equipment (including medical supplies such as sterile tubing and infusion pumps, and other items and services the Secretary determines appropriate) to administer infusion drug therapies to an individual safely and effectively in the home.

''(B) Nursing services provided in accordance with the plan, directly by a qualified home infusion therapy provider or under arrangements with an accredited homecare organization, in connection with such infusion, except that such term does not include nursing services to the extent they are covered as home health services.

''(2) For purposes of paragraph (1):

''(A) The term 'home' means a place of residence used as an individual's home and includes such other alternate settings as the Secretary determines.

''(B) The term 'qualified home infusion therapy provider' means any pharmacy, physician, or other provider licensed by the State in which the pharmacy, physician, or provider resides or provides services, whose State authorized scope of practice includes dispensing authority and that—

''(i) has expertise in the preparation of parenteral medications in compliance with enforceable standards of the U.S. Pharmacopoeia and other nationally recognized standards that regulate preparation of parenteral medications as determined by the Secretary and meets such standards;

''(ii) provides infusion therapy to patients with acute or chronic conditions requiring parenteral administration of drugs and biologicals administered through catheters or needles, or both, in a home; and

''(iii) meets such other uniform requirements as the Secretary determines are necessary to ensure the safe and effective provision and administration of home infusion therapy on a 7 day a week, 24 hour basis (taking into account the standards of care for home infusion therapy established by Medicare Advantage plans and in the private sector), and the efficient administration of the home infusion therapy benefit.

A qualified home infusion therapy provider may subcontract with a pharmacy, physician, provider, or supplier to meet the requirements of this subsection.''.

(b) PAYMENT FOR HOME INFUSION THERAPY.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(n) PAYMENT FOR HOME INFUSION THERAPY.—The payment amount under this part for home infusion therapy is determined as follows:

''(1) IN GENERAL.—The Secretary shall determine a per diem schedule for payment for the professional services, supplies, and equipment described in section 1861(hhh)(1)(A) that reflects the reasonable costs which must be incurred by efficiently and economically operated qualified home infusion therapy providers to provide such services, supplies, and equipment in conformity with applicable State and Federal laws, regulations, and the uniform quality and safety standards developed under section 1861(hhh)(1) and to assure that Medicare beneficiaries have reasonable access to such therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

''(2) NURSING SERVICES.—The Secretary shall develop a methodology for the separate payment for nursing services described in section 1861(hhh)(1)(B) provided in accordance with the plan under such section which reflects the reasonable costs incurred in the provision of nursing services in connection with infusion therapy in conformity with State and Federal laws, regulations, and the uniform quality and safety standards developed pursuant to this Act and to assure that Medicare beneficiaries have reasonable access to nursing services for infusion therapy. The Secretary shall update such schedule from year to year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.''.

(c) CONFORMING AMENDMENTS.—

(1) PAYMENT REFERENCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 13951(a)(1)), as amended by section 101(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

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

(B) by inserting before the semicolon at the end the following: '', and (X) with respect to home infusion therapy, the amounts paid shall be determined under section 1834(n)''.

(2) DIRECT PAYMENT.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

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

(B) by inserting before the period at the end the following: '', and (I) in the case of home infusion therapy, payment shall be made to the qualified home infusion therapy provider''.

(3) EXCLUSION FROM DURABLE MEDICAL EQUIPMENT AND HOME HEALTH SERVICES.—Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(A) in subsection (m)(5), by inserting ''and supplies used in the provision of home infusion therapy'' after ''excluding other drugs and biologicals''; and

(B) in subsection (n), by adding at the end the following: ''Such term does not include home infusion therapy, other than equipment and supplies used in the provision of insulin.''.

(4) APPLICATION OF ACCREDITATION PROVISIONS.—The provisions of section 1865(b) of the Social Security Act (42 U.S.C. 1395bb(b)) apply to the accreditation of qualified home infusion therapy providers in the manner they apply to other suppliers.

SEC. 3. MEDICARE COVERAGE OF HOME INFUSION DRUGS.

(a) IN GENERAL.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)), as amended by section 182 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the comma at the end of subparagraph (B) and inserting ''; or''; and

(C) by inserting before the flush matter following subparagraph (B) the following new subparagraph:

''(C) an infusion drug (as defined in paragraph (5)),''; and

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

''(5) INFUSION DRUG DEFINED.—For purposes of this part, the term 'infusion drug' means a parenteral drug or biological administered via an intravenous, intraspinal, intra-arterial, intrathecal, epidural, subcutaneous, or intramuscular access device inserted into the body, and includes a drug used for catheter maintenance and declotting, a drug contained in a device, vitamins, intravenous solutions, diluents and minerals, and other components used in the provision of home infusion therapy.''.

(b) INFUSION DRUG FORMULARIES.—For the first 2 years after the effective date of this Act, notwithstanding any other provision of law, prescription drug plans and MA–PD plans under title XVIII of the Social Security Act shall maintain open formularies for infusion drugs (as defined in section 1860D–2(e)(5) of such Act, as added by subsection (a)). The Secretary of Health and Human Services shall request the United States Pharmacopeia to develop, in consultation with representatives of qualified home infusion therapy providers and other interested stakeholders, a model formulary approach for home infusion drugs for use by such plans after such 2-year period.

(c) PART D DISPENSING FEES.—Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended by inserting after ''any dispensing fees for such drugs'' the following: '', other than for an infusion drug''.

SEC. 4. ENSURING BENEFICIARY ACCESS TO HOME INFUSION THERAPY.

(a) OBJECTIVES IN IMPLEMENTATION.—The Secretary of Health and Human Services shall implement the Medicare home infusion therapy benefit under the amendments made by this Act in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes and that there is rapid and seamless coordination between drug coverage under part D of title XVIII of the Social Security Act and coverage for home infusion therapy services under part B of such title. Specifically, the Secretary shall ensure that—

(1) the benefit is practical and workable with minimal administrative burden for beneficiaries, qualified home infusion therapy providers, physicians, prescription drug plans, MA–PD plans, and Medicare Advantage plans, and the Secretary shall consider the use of consolidated claims encompassing covered part D drugs and part B services, supplies, and equipment under such part B to ensure the efficient operation of this benefit;

(2) any prior authorization or utilization review process is expeditious, allowing Medicare beneficiaries meaningful access to home infusion therapy;

(3) medical necessity determinations for home infusion therapy will be made—

(A) except as provided in subparagraph (B), by medicare administrative contractors under such part B and communicated to the appropriate prescription drug plans; or

(B) in the case of an individual enrolled in a Medicare Advantage plan, by the Medicare Advantage organization offering the plan;

and an individual may be initially qualified for coverage for such benefit for a 90-day period and subsequent 90-day periods thereafter;

(4) the benefit is modeled on current private sector coverage and coding for home infusion therapy; and

(5) prescription drug plans and MA–PD plans structure their formularies, utilization review protocols, and policies in a manner that ensures that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.

(b) HOME INFUSION THERAPY ADVISORY PANEL.—In implementing such home infusion therapy benefit and meeting the objectives specified in subsection (a), the Secretary shall establish an advisory panel to provide advice and recommendations. Such panel shall—

(1) be comprised primarily of qualified home infusion therapy providers and their representative organizations;

(2) also include representatives of the following:

(1) Patient organizations.

(2) Hospital discharge planners, care coordinators, or social workers.

(3) Prescription drug plan sponsors and Medicare Advantage organizations.

(c) REPORT.—Not later than January 1, 2012, and every 2 years thereafter, the Comptroller General of the United States shall submit a report to Congress on Medicare beneficiary access to home infusion therapy. Each such report shall specifically address whether the objectives specified in subsection (a) have been met and shall make recommendations to Congress and the Secretary on how to improve the benefit and better ensure that Medicare beneficiaries have timely and appropriate access to infusion therapy in their homes.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to home infusion therapy furnished on or after January 1, 2010.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. MCCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. MCCASKILL, Mr. KERRY, Mr. BAYH, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL):

S. 256. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators KYL, REID, DURBIN, MCCONNELL, BINGAMAN, ENSIGN, SCHUMER, INHOFE, MCCASKILL, KERRY, BAYH, ALEXANDER, GRASSLEY, NELSON of Florida, JOHNSON, and CANTWELL the Combat Methamphetamine Enhancement Act of 2009.

This Act is designed to address problems that the Drug Enforcement Administration, DEA, has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2005. I was pleased to join former Senator Talent in drafting, introducing, and securing the passage of the original bill. I am pleased to introduce this legislation today to ensure that it operates as Congress intended.

The bill that I introduce today would clarify that all retailers, including mail order retailers, who sell products that contain chemicals often used to make methamphetamine—like ephedrine, pseudoepedrine and phenylpropanolamine—must self-certify that they have trained their personnel and will comply with the Combat Meth Act's requirements; require distributors to sell these products only to retailers who have certified that they will comply with the law; require the DEA to publish the list of all retailers who have filed self-certifications, on the DEA's website; and clarify that any retailer who negligently fails to file self-certification as required, may be subject to civil fines and penalties.

The Combat Methamphetamine Epidemic Act that we passed in 2006 has been a resounding success. The number of methamphetamine labs in the United States has declined dramatically now that the ingredients used to make methamphetamine are harder to get.

The Combat Meth Act that became effective in September 2006 included important new provisions for retailer self-certification, employee training, requiring products to be placed behind counters, packaging requirements, required sales logbooks, and limits on the amounts that a person can purchase in a given day and over a 30-day period.

Now, because of that law's implementation, the number of methamphetamine labs decreased from about 12,000 labs to about 7,300 labs a 41 percent decrease in just 1 year. Once the bill was enacted into law, the number of meth ''super labs'' in my home State of California declined from 30 in 2005 to only 17 in 2006.

Fewer meth labs means more than just less illegal drug production. According to the Fresno Bee, the DEA has noted that in 2003, 3,663 children were reported exposed to toxic meth labs nationwide but that number had been reduced to 319 in 2006.

So things are moving in the right direction, and that is good news. But with more thousands of methamphetamine labs still operating in the U.S., and children still being exposed to their toxins, it is also clear that there is still work to be done.

After the Combat Meth Act became law, DEA examined how the retailer self-certification process was working. On May 16, 2007, DEA sent letters to the 1,600 distributors who they believed were selling products that contained ephedrine or pseudoephedrine, asking them to turn over lists of the retail stores that they sell to, so that DEA could check to see how many of those retailers had self-certified as that law requires.

Rather than actively assisting the DEA in its efforts, about ¾ of the distributors failed or declined to provide any information about the retail stores.

The distributors who did cooperate provided DEA with the names of 12,375 retail customers. When DEA checked those out, it found that about 8,300 of those retail stores had never self-certified as the law requires.

Based on these findings, the DEA estimates that nationwide, as many as 30,000 additional retail sellers of products are not complying with the law.

In short, retailers' non-compliance with the self-certification requirement appears to be widespread, and undercuts the effectiveness of the Combat Meth Act.

Unfortunately, there is no effective way for law enforcement to determine the universe of who is, and who is not, obeying the law. Currently, there is no requirement that retailers notify the DEA before they start selling products with these listed chemicals.

Retailers can likely avoid negative consequences if they are ever confronted with their failure to self-certify. Currently, the law imposes sanctions only for willful and reckless refusals to self-certify. There is no punishment available if a retailer negligently fails to self-certify as required. Not even civil sanctions are available.

In short, without distributors restricting the supply of these products to retailers who have self-certified, retailers may simply take their chances, rather than self-certifying as the law intended, figuring that they'll never get caught, or if they do get caught, that they will never be punished.

It is unacceptable that, over two years after the Combat Meth Act imposed this requirement and became fully effective, tens of thousands of retailers still are not following the law. It is unacceptable that distributors of these products can continue to profit off of their sales to retailers who are not complying, or are even refusing to comply with the law.

So this bill is designed to make the Combat Meth Act more effective, by putting in place a process that will ensure that every retailer who orders these products that can be used to make methamphetamine must comply with the law before they can get and resell the products.

First, it will require that all retail sellers of products with these listed chemicals must file self-certifications, closing a loophole that now exists for mail-order retailers.

Second, the DEA will be required to post all self-certified retailers on its

website, so that advocacy groups and others who are concerned about methamphetamine in their communities can identify retailers who are selling these products without complying with the law, and can notify the authorities.

Third, distributors of these products will only be allowed to sell to retailers who have self-certified, which they will be able to verify by checking the DEA's public website. Once recalcitrant retailers are faced with the real and immediate economic consequence of a possible cut-off of their desire to purchase these products, I am confident that most will file self-certifications as the law requires.

Finally, the bill clarifies that even a negligent failure to self-certify, if proven, can give rise to civil sanctions.

This is a common-sense bill, designed to strengthen the implementation of the Combat Methamphetamine Epidemic Act. This bill would create incentives to ensure that the self-certification process of the law is made both effective and enforceable.

I urge my colleagues to support this legislation.

Mr. Presdient, 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. 256

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 ''Combat Methamphetamine Enhancement Act of 2009''.

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

''(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B).''.

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

''(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format.''.

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking ''or'' after the semicolon;

(2) in paragraph (14), by striking the period and inserting ''; or'';

(3) by inserting after paragraph (14) the following:

''(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v).''; and

(4) inserting at the end the following: ''For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).''.

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: ''or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)''.

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH):

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators GRASSLEY and BAYH, the Saving Kids from Dangerous Drugs Act of 2009.

Over the last 2 years, Federal, State, and local law enforcement have increasingly seen drug dealers flavoring and marketing their illegal drugs to appeal to minors, using techniques like combing drugs with candy and other flavorings to entice younger users. This bill would increase the criminal penalties that apply when criminals do this. This bill will ensure these appalling tactics are criminalized and severely punished.

The problem of flavoring illegal drugs to entice minors is well documented. A 2007 USA Today Article entitled ''Flavored Meth Use on the Rise'' stated that ''reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.''

The flavoring of meth to appeal to minors is widespread across the Nation. In California, police have made repeated seizures of strawberry-flavored meth and local drug counselors warn that it also comes in cola, cherry, and orange flavors.

Strawberry flavoring packets were found in a meth lab raid in Arkansas in May of 2007. Similar seizures of flavored meth have been made in Minnesota, Mississippi, Missouri, Nevada, North Carolina, Oregon, and Virginia. Two people were arrested for manufacturing cotton candy flavored meth in Colorado in March of 2008.

The candying and flavoring of controlled substances is not limited to methamphetamine. As recently as March of this year, the DEA seized 1½ pounds of strawberry flavored powdered cocaine in Modesto, CA.

DEA agents in California have also purchased cocaine with lemon, coconut, and cinnamon flavoring. It has also documented other controlled substances like marijuana and hash oil infused into candy bars and soda pop.

Drug dealers are even selling boxes of ''Pot Tarts'' that look exactly like commercial available Pop Tarts.

Federal, State and local law enforcement all agree that such flavoring is done to entice more minors to use these illegal drugs.

This bill would help address this growing problem by criminalizing the flavoring, coloring and marketing of such drugs and would impose enhanced penalties for these offenses.

Under current law, there is already an enhanced penalty if someone distributes drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But this enhancement only applies if there is an actual distribution of the drug to a minor. Even possession with intent to distribute flavored or candied drugs doesn't qualify.

This bill would fix this loophole. If someone manufactures, creates, distributes, or possesses with intent to distribute a schedule I or II controlled substance that is combined with a candy, marketed or packaged to appear similar to a candy product, or modified by flavoring or coloring with the intent to sell to a minor, they would face enhanced penalties.

The bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to make them more appealing to our children, there will be a very heavy price to pay. It will make drug dealers think twice before flavoring up their drugs, and punish them appropriately if they don't.

The bill is supported by the National Narcotics Officers Association Coalition, which is comprised of 44 State narcotics officers' associations.

I urge my colleagues to join me in supporting this bill.

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

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

S. 258

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saving Kids from Dangerous Drugs Act of 2009''.

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

''(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture, create, distribute, dispense, or possess with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

''(A) combined with a candy product;

''(B) marketed or packaged to appear similar to a candy product; or

''(C) modified by flavoring or coloring the controlled substance with the intent to distribute, dispense, or sell the controlled substance to a person under 21 years of age.

''(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

''(A) 2 times the maximum punishment and at least 2 times any term of supervised release authorized by subsection (b) of this section for a first offense involving the same controlled substance and schedule; and

''(B) 3 times the maximum punishment and at least 3 times any term of supervised release authorized by subsection (b) of this section for a second or subsequent offense involving the same controlled substance and schedule.

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

''(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

''(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.''.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. BROWN, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. KOHL, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 260. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation with Senator MIKULSKI and 10 of our colleagues that I hope will be added to any economic stimulus package considered by Congress in the coming weeks. This bill will put the brakes on a tax break granted to U.S. companies that move U.S. jobs offshore.

The U.S. economy is facing its most serious financial challenge since the Great Depression, and we must respond aggressively. I think a new economic stimulus plan is urgently needed to help prevent the economy from sliding deeper into a long-term recession. I agree with those who say that a major goal of the stimulus package should be to create more jobs, but I think we also have an opportunity to make a change to ensure that we keep the jobs we already have.

Employers have been slashing jobs at an alarming rate—2.6 million jobs last year—to reduce operating costs. The manufacturing and construction sectors have been particularly hard hit during this downturn. The manufacturing sector laid off 791,000 workers in 2008, continuing the disturbing loss of more than 4 million U.S. manufacturing jobs since the end of 2000. Federal tax laws have contributed to this problem.

There is one thing that Congress can do immediately to stem the loss of more manufacturing jobs: repeal the perverse tax subsidy in the Federal Tax Code for U.S. companies that move manufacturing operations and American jobs overseas. Not only will this help keep good-paying manufacturing jobs here at home, it will save American taxpayers more than $15 billion in revenue over the next decade.

Unbelievably, there is an insidious tax subsidy that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. When a U.S. company closes down a U.S. manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fires its American workers and moves those good-paying jobs to China or other locations abroad, U.S. tax law actually provide those companies with a large tax break called deferral—allowing them to avoid paying any U.S. income taxes on their foreign earnings until those profits are returned, if ever, to this country. If a company making the same product decides to stay in this country, on the other hand, it is required to pay immediate U.S. taxes on the profits it earns here.

Repealing this jobs export tax subsidy will not hinder the ability of U.S. firms to compete against foreign competitors in foreign markets, as some special interests have claimed. It is targeted only to U.S. firms that move production abroad and then turn around and ship those products back to this country for sale.

If there was ever a tax policy change that would help save U.S. manufacturing jobs and should be part of a robust economic stimulus plan, this is it. I urge my colleagues to cosponsor this legislation. With a new Congress and administration in place, now is the time to kill this ill-advised tax subsidy once and for all. I look forward to working with my colleagues on this important tax policy matter in the coming weeks.

By Ms. STABENOW:

S. 264. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid program and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the E-Centives Act, which will help ensure safety-net providers serving our most vulnerable citizens can acquire Health Information Technology, HIT.

As I have spoken about many times, HIT promises to transform the delivery of health care in the United States, improving the overall efficiency and effectiveness of healthcare. Some specific quality improvements that result from HIT include reduction in errors that come from illegible handwriting; electronic systems that prompt prescription of generic rather than brand-name drugs; reduction in duplicate diagnostic tests; physician reminders regarding appropriate preventive care; clinical decision support systems that encourage use of evidence-based medicine; identification of drug interactions and patient allergies; and assistance to physicians to manage patients with complex, chronic conditions.

While HIT holds great promise for transforming health care, unfortunately not all providers have the financial means to adopt and use this technology. In fact, the cost of acquiring technology is a major barrier to adoption among health care providers. Cost is particularly burdensome to small practices and safety-net providers that often operate with low financial margins.

Several organizations, including the Kaiser Commission on Medicaid and the Uninsured and the Healthcare Information and Management Systems Society, recognize the essential role that the Federal Government must play to assist providers in the Medicaid and Children's Health Insurance Program, CHIP, to acquire HIT. But absent Federal funding, we could see a ''digital divide'' in health care.

The bill that I am introducing today will help accelerate investment in certified HIT by providers predominantly serving Medicaid and CHIP beneficiaries. The bill accomplishes this by providing authority to State Medicaid programs to reimburse providers at the enhanced SCHIP FMAP rate for the costs associated with the meaningful use of a certified electronic medical record. This bill also helps streamline the administration and enrollment process for the Medicaid program by modifying the current regulation that governs the Medicaid Management Information System to include funding for electronic information and eligibility systems, patient registries for disease screening, and office staff training on electronic information and eligibility systems.

I look forward to working with my colleagues to ensure that all health

care providers and all Americans can see the benefit of health information technology. Widespread diffusion of HIT is a critical step in health care reform and making sure every American has the most efficient, optimal quality care.

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 267. A bill to provide funding for summer and year-round youth jobs and training programs; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 267

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 ''Summer and Year-Round Jobs for Youth Stimulus Act of 2009''.

SEC. 2. SUMMER AND YEAR-ROUND YOUTH JOBS.

(a) FINDINGS.—Congress finds that—

(1) a $1,000,000,000 investment in summer and year-round employment for youth, through the program supported under this section, can create up to 1,000,000 jobs for economically disadvantaged youth and stimulate local economies;

(2) there is a serious and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—

(A) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;

(B) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and

(C) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007;

(3) research from Northwestern University has shown that every $1 a youth earns has an accelerator effect of $3 on the local economy;

(4) summer and year-round jobs for youth help supplement the income of families living in poverty;

(5) summer and year-round jobs for youth provide valuable work experience for economically disadvantaged youth;

(6) often, a summer job provided under the Workforce Investment Act of 1998 is an economically disadvantaged youth's introduction to the world of work;

(7) according to the Center for Labor Market Studies at Northeastern University, early work experience is a very powerful predictor of success and earnings in the labor market, and early work experience raises earnings over a lifetime by 10 to 20 percent;

(8) participation in a youth jobs program can contribute to a reduction in criminal and high-risk behavior for youth; and

(9)(A) youth jobs programs benefit both youth and communities when designed around principles that promote mutually beneficial programs;

(B) youth benefit from jobs that provide them with work readiness skills and that help them make the connection between responsibility on the job and success in adulthood; and

(C) communities benefit when youth are engaged productively, providing much-needed services that meet real community needs.

(b) DEFINITION.—In this section, the term ''green-collar industries'' means industries throughout the economy of the United States—

(1) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(2) that offer jobs with substantial pay and benefits; and

(3) that are industries in which there is likely to be continued demand for workers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for youth activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), $1,000,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010, under the conditions described in subsection (d).

(d) CONDITIONS.—

(1) USE OF FUNDS.—The funds appropriated under subsection (c) shall be used for youth jobs and training programs, to provide opportunities referred to in subparagraphs (C), (D), (E), and (F) of section 129(c)(2) of such Act (29 U.S.C. 2854(c)(2)) and, as appropriate, opportunities referred to in subparagraphs (A) and (G) of such section, except that no such funds shall be spent on unpaid work experiences.

(2) LIMITATION.—Such funds shall be distributed in accordance with sections 127 and 128 of such Act (29 U.S.C. 2852, 2853), except that no portion of such funds shall be reserved to carry out 128(a) or 169 of such Act (29 U.S.C. 2853(a), 2914).

(3) PRIORITY.—In using funds made available under this section, a local area (as defined in section 101 of such Act (29 U.S.C. 2801)) shall give priority to providing—

(A) work experiences in public and nonprofit sector green-collar industries;

(B) work experiences in other viable industries, including health care; and

(C) job referral services for youth to work experiences in green-collar industries in the private sector or work experiences in other viable industries in the private sector, for which the employer involved agrees to pay the wages and benefits, consistent with Federal and State child labor laws.

(4) MEASURE OF EFFECTIVENESS.—The effectiveness of the activities carried out with such funds shall be measured, under section 136 of such Act (29 U.S.C. 2871), only with performance measures based on the core indicators of performance described in section 136(b)(2)(A)(ii)(I) of such Act (29 U.S.C. 2871(b)(2)(A)(ii)(I)), applied to all youth served through the activities.

(e) AGE-RELATED.—As used in this Act, and in the provisions referred to in subsections (c) and (d) for purposes of this Act—

(1) a reference to a youth refers to an individual who is not younger than age 14 and not older than age 24, and meets any other requirements for that type of youth; and

(2) a reference to a youth activity refers to an activity covered in subsection (d)(1) that is carried out for a youth described in paragraph (1).

By Mrs. MURRAY (for herself and Ms. STABENOW):

S. 268. A bill to provide funding for a Green Job Corps program, YouthBuild Build Green Grants, and Green-Collar Youth Opportunity Grants, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

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

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

S. 268

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Green-Collar Youth Jobs, Education, and Training Stimulus Act''.

SEC. 2. FINDING.

Congress finds that there is a serious and growing need for employment opportunities for economically disadvantaged youth (including young adults), as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2008—

(1) the unemployment rate increased to 7.2 percent, as compared to 4.9 percent in December 2007;

(2) the unemployment rate for 16- to 19-year-olds rose to 20.8 percent, as compared to 16.9 percent in December 2007; and

(3) the unemployment rate for African-American 16- to 19-year-olds increased to 33.7 percent, as compared to 28 percent in December 2007.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to increase knowledge of the importance of building a green economy;

(2) to increase energy efficiency and renewable energy usage;

(3) to strengthen the protection of the environment;

(4) to decrease carbon emissions; and

(5) to increase the number of well-trained youth workers who can obtain well-paying jobs in a range of green-collar industries and other viable industries.

SEC. 4. DEFINITIONS.

In this Act:

(1) GREEN-COLLAR INDUSTRIES.—In this section, the term ''green-collar industries'' means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

(2) LOCAL BOARD, LOW-INCOME INDIVIDUAL, SECRETARY.—The terms ''local board'', ''low-income individual'', and ''Secretary'' have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an industry skills training program at the postsecondary level that combines technical and theoretical training through structured on-the-job learning with related instruction (in a classroom or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage increases aligned to enhanced job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor.

SEC. 5. GREEN JOB CORPS PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage youth participating in the Job Corps to become informed energy- and environmentally-conscious consumers;

(2) to enable the youth to acquire and expand skills related to green-collar industries; and

(3) to address Job Corps construction needs and energy costs and to make Job Corps centers more energy efficient, including retrofitting facilities and restoring campuses.

(b) DEFINITIONS.—In this section, the terms ''enrollee'', ''graduate'', and ''Job Corps Center'' have the meanings given the terms in section 142 of the Workforce Investment Act of 1998 (29 U.S.C. 2882).

(c) GENERAL AUTHORITY.—The Secretary is authorized to reserve not more than $500,000,000 of the funds appropriated under this Act to provide work experiences and training described in subsection (d) in green-collar industries. The Secretary shall provide the work experiences and training, in conjunction with activities described in section 148 of the Workforce Investment Act of 1998 (29 U.S.C. 2888), under subtitle C of title I of such Act (29 U.S.C. 2881 et seq.) (except that subsections (c) and (d) of section 159 of such Act (29 U.S.C. 2899) shall not apply to such experiences and training).

(d) USE OF FUNDS.—

(1) SKILL DEVELOPMENT PROGRAM ACTIVITIES.—The Secretary shall expand Job Corps skill development program activities by updating occupational training programs (including making changes in curriculum and equipment), including development of necessary academic skills in green-collar industries (including construction, facilities maintenance, and advanced manufacturing).

(2) PAID WORK OPPORTUNITIES.—As part of Job Corps career training, the Secretary shall provide paid work opportunities, in green-collar industries, primarily located at Job Corps centers, in order to address Job Corps construction needs and make those centers more energy efficient, including retrofitting facilities and restoring campuses. In carrying out this paragraph, the Secretary shall give priority to projects that help conserve, develop, or manage public natural resources or public recreational areas, or support the public interest.

(3) CONSUMER AND LEADERSHIP ACTIVITIES.—As part of the Job Corps life skills program, the Secretary shall offer consumer and leadership activities, to create a corps of intelligent and informed energy- and environmentally-conscious consumers, including activities that educate Job Corps members about how they can contribute to minimize the effects of climate change and become future leaders in their local communities who preserve and strengthen energy- and environmentally-conscious practices.

(e) REPORT TO CONGRESS.—

(1) INDICATOR.—For purposes of the Green Job Corps program carried out under this section, the indicators of performance shall be—

(A) entry of graduates who participated in work experiences described in subsection (d)(2) into unsubsidized employment in a green-collar industry;

(B) average wages received by such graduates upon entry into such employment; and

(C) number of such graduates who obtain an occupational or education-related credential.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the Green Job Corps program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program on the indicators of performance.

(3) REPORT.—The Secretary shall include the assessment described in paragraph (2) in the corresponding annual report described in subsection (c) of section 159 of such Act (29 U.S.C. 2899), in lieu of submitting any of the information described in subsection (c) or (d) of that section 159 with respect to the Green Job Corps program.

SEC. 6. YOUTHBUILD BUILD GREEN GRANTS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve $300,000,000 of the funds appropriated under this Act to provide to eligible youth education, work experiences (including service), and training, in green-collar industries, especially concerning the weatherization and energy retrofitting of homes of low-income individuals. The Secretary shall provide the services described in this subsection in conjunction with activities described in section 173A(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(c)), under the YouthBuild program set forth in section 173A of such Act (29 U.S.C. 2918a) (except that paragraphs (3), (4), and (5) of subsection (c), and subsection (d), of such section shall not apply to such services).

(b) GRANTS.—The Secretary is authorized to award from the reserved funds, on a competitive basis, YouthBuild Build Green grants to entities that are recipients of YouthBuild grants under section 173A of such Act.

(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities who—

(1) demonstrate the ability to leverage additional resources, which may include materials, personnel, and supplies, from other public and private sources; and

(2) demonstrate the ability to build a foundation of public-private partnerships in a green-collar industry, related to construction, for future projects carried out by the entities.

(e) ELIGIBLE YOUTH.—To be eligible to participate in the program carried out under this section, a youth shall meet the requirements of section 173A(e)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(e)(1)).

(f) USE OF FUNDS.—

(1) SKILLS DEVELOPMENT AND TRAINING.—An entity that receives a grant under this section shall use not less than 90 percent of the funds made available through the grant to provide to participants in the program carried out under this section a combination of classroom education and job skills development, through onsite training and work experiences (including construction or rehabilitation of facilities) in a construction trade that makes efficient use of green technologies. Such education and skills development shall be designed to prepare the participants for jobs in green-collar industries in their communities and States.

(2) SUPERVISION AND TRAINING.—The entity may use not more than 10 percent of the grant funds for supervision and training costs related to the activities described in paragraph (1).

(g) REPORT TO CONGRESS.—

(1) INDICATORS.—For purposes of the program carried out under this section, the indicators of performance shall be—

(A) entry of individuals who completed their participation in the program and who participated in activities described in subsection (f)(1) into registered apprenticeship programs in a construction trade in a green-collar industry or a related trade; and

(B) entry of such individuals, who participated in such activities, into unsubsidized employment in a green-collar industry.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program on the indicators of performance.

(3) REPORT.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

SEC. 7. GREEN-COLLAR YOUTH OPPORTUNITY GRANTS.

(a) DEFINITION.—The term ''community college'' means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(b) GENERAL AUTHORITY.—The Secretary is authorized to reserve $200,000,000 of the funds appropriated under this Act for work experiences and training in green-collar industries for eligible youth. The Secretary shall provide the work experiences and training in conjunction with activities described in section 169(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2914(b)), under the Youth Opportunity Grants program described in section 169 of that Act (29 U.S.C. 2914) (except that subsections (a)(3), (b)(2), (d), (e)(2), (f), and (g) of such section shall not apply to such work experiences and training).

(c) GRANTS.—The Secretary is authorized to award from the reserved funds, on a competitive basis, Green-Collar Youth Opportunity Grants to eligible organizations.

(d) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an organization shall be a local board described in section 169(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2914(c)) an entity described in section 169(d) of such Act (29 U.S.C. 2914(d)), or an entity acting of behalf of an eligible strategic partnership.

(2) ELIGIBLE STRATEGIC PARTNERSHIP.—

(A) IN GENERAL.—For purposes of this subsection, an eligible strategic partnership shall be composed of at least 1 representative of a local board serving a community, and of each of the 8 types of organizations described in subparagraph (B).

(B) TYPES OF ORGANIZATIONS.—The types of organizations referred to in subparagraph (A) are businesses, unions, labor-management partnerships, schools (including community colleges), public agencies including law enforcement, nonprofit community organizations, economic development entities, and philanthropic organizations, that are actively engaged in providing learning, mentoring, and work opportunities to eligible youth.

(3) FISCAL AND ADMINISTRATIVE AGENT.—The strategic partnership shall designate an entity, which shall be a member of the partnership, as the strategic partnership's fiscal and administrative entity for the implementation of activities under the grant.

(e) APPLICATION.—To be eligible to receive a grant under this section, an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(f) PRIORITY.—In making grants under this section, the Secretary shall give priority to organizations located in communities described in subsection (c) or (d)(2) of section 169 of the Workforce Investment Act of 1998 (29 U.S.C. 2914).

(g) ELIGIBLE YOUTH.—To be eligible to participate in a program carried out under this section, a youth shall—

(1) be not less than age 14 and not more than age 24;

(2) reside in a community described in subsection (c) or (d)(2) of section 169 of such Act; and

(3) have multiple barriers to education and career success, as specified by the Secretary.

(h) USE OF FUNDS.—An organization that receives a grant under this section may use the funds made available through the grant to provide programs of work experiences and training in green-collar industries that include education and paid work experiences. The work experiences shall involve retrofitting buildings (including facilities of small businesses) to achieve energy savings, or enhancing, creating, or preserving public space, within the communities served. In providing the programs, the organization may provide any of the activities described in subsection (b)(1) of that section 169.

(i) REPORT TO CONGRESS.—

(1) INDICATORS.—For purposes of the program carried out under this section, the indicators of performance shall be—

(A) acquisition of a high school diploma or its generally recognized equivalent by individuals who completed their participation in the program and who participated in training described in subsection (b);

(B) entry of such individuals, who participated in work experiences described in subsection (b), into postsecondary education linked to the green economy, including registered apprenticeship programs in a green-collar industry; and

(C) entry of such individuals, who participated in work experiences described in subsection (b), into unsubsidized employment in a green-collar industry.

(2) ASSESSMENT.—The Secretary shall prepare an assessment of the program that—

(A) describes the use of funds made available under this section to carry out the program and the progress achieved through that program; and

(B) provides information on the performance of the program, including on the indicators of performance.

(3) REPORT.—The Secretary shall annually submit to Congress a report containing the assessment described in paragraph (2).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary for activities described in this Act $1,000,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010.

By Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW):

S. 269. A bill to provide funding for unemployment and training activities for dislocated workers and adults, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Retooling America's Workers for a Green Economy Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In October 2008, the numbers of mass layoffs (involving over 50 workers at one time) and initial unemployment claims reached their highest levels since 2001. According to the National Renewable Energy Laboratory, however, a major barrier to more rapid adoption of clean and renewable energy and energy efficiency measures is the lack of sufficient workers skilled in green technology.

(2) In December 2008, unemployment figures showed a sharp deterioration in the economy. The unemployment rate rose from 6.8 percent in November, to 7.2 percent in December, of 2008. Employers shed 524,000 jobs in December 2008, and 1,900,000 jobs were lost over just the last 4 months of 2008. These job losses were widespread across most major industry sectors.

(3) According to the Bureau of Labor Statistics, 11,100,000 people were unemployed in December 2008, an increase of 3,600,000 people since the recession started in December 2007. In December 2008, the number of workers who wanted to work full-time but worked part-time because their hours were cut or they could not find full-time jobs reached 8,000,000, up 3,400,000 since December 2007.

(4) Analysts say that the Nation has yet to see the worst of the economic fallout. The latest prediction from HIS Global Insight forecasts that unemployment will be an estimated 8.6 percent by the end of 2009.

(5) The reality of climate change and a shared desire to protect the environment for future generations have the potential to spur economic growth in green-collar jobs across the industrial spectrum. In order to prepare United States workers to build greener communities in both urban and rural settings, the Nation will need to make an investment in skills development for jobs in the current and future economies.

SEC. 3. PURPOSE.

The purpose of this Act is to retool America's workers—including dislocated workers, those who are long-term unemployed individuals, and those who are low-skilled individuals, limited English proficient individuals, individuals with disabilities, or older workers—for green-collar industries, for existing viable industries, and for new and emerging industries so that the workers described in this section can contribute to the long-term competitiveness of the United States and its quality of life.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms ''adult'', ''chief elected official'', ''dislocated worker'', ''employment and training activities'', ''individual with a disability'', ''local area'', ''local board'', ''outlying area'', ''rapid response activities'', ''Secretary'', ''State'', and ''State board'' have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) COMMUNITY COLLEGE.—The term ''community college'' means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) GREEN-COLLAR INDUSTRIES.—The term ''green-collar industries'' means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

SEC. 5. ACTIVITIES FOR DISLOCATED WORKERS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve $2,000,000,000 of the funds appropriated under this Act for rapid response activities, for dislocated worker employment and training activities under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.), or for employment and training assistance and additional assistance under section 173(a) of such Act (29 U.S.C. 2918(a)).

(b) NATIONAL EMERGENCY GRANTS.—Of the reserved funds, the Secretary may use not more than $500,000,000 to award national emergency grants—

(1) to provide employment and training assistance to workers affected by major economic dislocations under section 173(a)(1) of such Act (29 U.S.C. 2918(a)(1)); and

(2) to provide additional assistance under section 173(a)(3) of such Act (29 U.S.C. 2918(a)(3)) to a State or local board that meets the requirements of that section (in a case in which the expended funds involved were expended for assistance described in paragraph (1)).

(c) STATE ACTIVITIES.—

(1) IN GENERAL.—After determining an amount from the reserved funds to be used under subsection (b), the Secretary may use the remaining funds to make allotments to States, and outlying areas, consistent with the allotment formula under section 132(b)(2) of such Act (29 U.S.C. 2862(b)(2)). Each State or outlying area may use 25 percent of the State's or outlying area's allotment for statewide rapid response activities for permanent closures or mass layoffs described in section 101(38) of such Act (42 U.S.C. 2801(38)) and efforts to avert future permanent closures or mass layoffs described in such section.

(2) USE OF DISLOCATED WORKERS TO PROVIDE ACTIVITIES.—In providing statewide rapid response activities, States or entities designated by States (and outlying areas or entities designated by outlying areas), working in conjunction with local boards and chief elected officials, may enhance their services by employing dislocated workers to provide outreach, informal coaching, counseling or mentoring support, and information to other dislocated workers or unemployed persons.

(d) LOCAL ACTIVITIES.—

(1) IN GENERAL.—Each State or outlying area shall use 75 percent of the State's or outlying area's allotment to make allocations directly to local boards, for local areas, using the formula under section 133(b)(2)(B) of such Act (29 U.S.C. 2863(b)(2)(B)).

(2) PRIORITY.—A local board that receives an allocation under paragraph (1) shall use the funds made available through the allocation for dislocated worker employment and training activities. In providing the activities the local board shall give priority to providing the employment and training activities, including on-the-job training, in viable industries identified at the regional or local levels, including green-collar industries.

(e) REPORT TO SECRETARY.—Each State, in submitting an annual report under section 136(d) of such Act (29 U.S.C. 2871(d)), shall include information on entry of individuals who participated in employment and training activities in green-collar industries and other viable industries under this section into unsubsidized employment in a green-collar industry or other viable industry.

(f) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the appropriate committees of Congress information on entry of individuals who received services under subsection (b) into unsubsidized employment in a green-collar industry or other viable industry.

SEC. 6. ACTIVITIES FOR ADULTS WITH MULTIPLE BARRIERS TO EMPLOYMENT.

(a) PURPOSE.—The purpose of this section is to fully utilize the Nation's human capital by—

(1) helping adults with multiple barriers to employment acquire the skills to obtain jobs in viable industries, by providing intensive services, training services, and other employment and training activities; and

(2) in particular, by providing employment and training activities in green-collar industries and other viable industries.

(b) DEFINITION.—The term ''adult with multiple barriers to employment'' means an

adult who is long-term unemployed, a low-skilled individual, limited English proficient, an individual with a disability, or an older worker, with multiple barriers to finding a job in a viable industry.

(c) GENERAL AUTHORITY.—The Secretary is authorized to reserve $800,000,000 of the funds appropriated under this Act to carry out this section. The Secretary shall use the reserved funds to make allotments to States and outlying areas, consistent with the allotment formula under section 132(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(b)(1)) to provide employment and training activities to adults with multiple barriers to employment.

(d) STATE ACTIVITIES.—Each State or outlying area may use 10 percent of the State's or outlying area's allotment to assist local boards in providing employment and training activities to adults with multiple barriers to employment, and assist the adults in attaining jobs in viable industries, with as much flexibility as is practicable. In providing assistance under this subsection, the State or outlying area may provide aid that includes assistance with system alignment (described in subsection (e)(1)(D), the provision of capacity building and professional development activities for staff, and the provision of enhanced regional sector-based labor market information.

(e) LOCAL ACTIVITIES.—

(1) IN GENERAL.—Each State or outlying area shall use 90 percent of the State's or outlying area's allotment to make grants, on a competitive basis, to local boards for local areas, to provide employment and training activities to adults with multiple barriers to employment.

(2) PRIORITY.—In making the grants, the chief executive officer of the State or outlying area, in consultation with the State board involved, shall give priority to those local boards that—

(A) align their local areas to create regions that reflect natural labor markets or economic development districts;

(B) reflect regional strategic partnerships described in paragraph (3) among local boards, industry (including business and labor), schools (including community colleges), and other community organizations to provide coherent programs of employment and training activities;

(C) make special efforts to conduct outreach and provide services to adults with multiple barriers to employment who need to advance their careers or seek second careers due to the economic downturn;

(D) align adult education, career and technical education, workforce investment, economic development, and related systems and resources to provide career pathway strategies for helping low-skilled individuals navigate through the continuum of needed education and supports, to ultimately achieve a postsecondary education credential or an industry-recognized certificate and a job leading to economic self-sufficiency;

(E) provide an assurance that the local board will use at least 90 percent of the grant funds for intensive services described in section 134(d)(3)(C) and training services described in section 134(d)(4)(D) of such Act (29 U.S.C. 2864(d)(3)(C), 2864(d)(4)(D)), without regard to the eligibility requirements of section 134(d) of such Act (29 U.S.C. 2864(d)).

(3) STRATEGIC PARTNERSHIP.—

(A) IN GENERAL.—For purposes of this section, a strategic partnership shall, in particular, be composed of at least 1 representative of a local board serving a community, and of each of the 8 types of organizations described in subparagraph (B).

(B) TYPES OF ORGANIZATIONS.—The types of organizations referred to in subparagraph (A) are businesses, unions, labor-management partnerships, schools (including community colleges), public agencies, nonprofit community organizations, economic development entities, and philanthropic organizations, that are actively engaged in providing employment and training activities, including work opportunities and support, to adults with multiple barriers to employment.

(f) REPORT TO SECRETARY.—

(1) IN GENERAL.—Each State, in submitting an annual report under section 136(d) of such Act (29 U.S.C. 2871(d)), shall include information—

(A) on acquisition of a recognized postsecondary education credential or an industry-recognized certificate by adults with multiple barriers to employment who participated in employment and training activities under this section;

(B) on entry of such adults, who participated in such activities, into positions in unsubsidized employment in viable industries; and

(C) for adults referred to in subparagraph (B), on average wages in such positions.

(2) REFINEMENTS.—In establishing standards for the reports, the Secretary shall refine indicators to eliminate any unintended consequences for adults with multiple barriers to employment, or such adults who may need and seek less than full-time employment along a career path.

SEC. 7. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

The Secretary shall reserve $625,000,000 of the funds appropriated under this Act to carry out section 171(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Labor for activities described in this Act, $3,425,000,000, which shall be available for the period of January 1, 2009 through December 31, 2010.

By Mr. CASEY (for himself and Mr. NELSON, of Nebraska):

S. 270. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about a member of the American family for whom we all care, but for whom we don't do nearly enough to support: pregnant women.

I remember the times my wife Terese learned she was pregnant, and even though I can never experience it directly, I know through her and my sisters that there is one indelible and unforgettable moment when a woman finds out she is pregnant. For many women, this is a moment of great joy, the miracle of pregnancy. Perhaps it has been long awaited or perhaps it is something of a surprise, but it is welcome. Many of these women don't need help beyond what their families provide and others may receive adequate support within our existing framework of programs and services.

But there is another circumstance that a pregnant woman may face. For that woman, the moment of discovery is not a moment of joy. For her, it is a moment of terror, or panic or even shame. She may be in a doctor's office or clinic or she may be at home. For her, that moment begins a crisis in which she feels overwhelmingly and perhaps almost unbearably alone. She could be wealthy, middle income or poor, but most likely poor. Whatever her income, she feels, very simply, all alone.

A pregnant woman may have an abusive spouse or boyfriend who is tormenting her. She is all alone.

Another pregnant woman may believe that she cannot support or care for a new baby at this point in her life. She is all alone.

Another woman might believe that her financial situation is so precarious that she cannot care for and raise a child. She may feel alone and helpless.

We know that 48 percent of all pregnancies are unintended and, excluding miscarriages, 54 percent of unintended pregnancies end in abortion. The response ''cannot afford a baby'' is the second most frequently cited reason why women choose to have an abortion and 73 percent of women having abortions cited this reason as a contributing factor.

A woman who is facing the challenges of an unplanned pregnancy that may be a crisis for her does not need a lecture from a politician or a clinical reminder that she has a simple choice to make. The choice is never simple. Never. This woman needs support and love and understanding. She needs to be embraced in her time of crisis, not sent on her way to deal with it on her own. She needs our help to walk with her, not only throughout the nine months of her pregnancy, but also for the early months and years of her child's life.

We in the Congress, in both the House and Senate and both parties, need to address this issue in a comprehensive way that meets these needs. Some members have initiated good efforts and we should applaud and support those efforts, but I believe that neither political party is doing enough for pregnant women in America today. While there is tremendous disagreement on how we can best do this, there is one significant area of common ground—one thing we all agree upon. We all want to reduce the number of abortions.

Many women who have abortions do so very reluctantly, and while ''choice'' is a term that is widely used in this debate, many women who face unplanned pregnancies do not feel they have a genuine choice. That is why I am introducing the Pregnant Women Support Act. With this bill, it is my fervent hope that a new dialogue—a common ground—will emerge on how we can reduce abortions by offering pregnant women real choices:

This bill will: assist pregnant and parenting teens to finish high school and prepare for college or vocational training; help pregnant college students stay in school, offering them counseling as well as assistance with continuing their education, parenting support and classes, and child care assistance.

It will provide counseling and shelter to pregnant women in abusive relationships who may be fearful of continuing a (pregnancy in a crisis situation; establish a national toll-free number and public awareness campaign to offer women support and knowledge about options and resources available to them when they face an unplanned pregnancy; give women free sonogram examinations by providing grants for the purchase of ultrasound equipment; provide parents with information about genetic disability testing, including support for parents who receive a diagnosis of Down Syndrome; ensure that pregnant women receive prenatal and postnatal care by eliminating pregnancy as a pre-existing condition in the individual healthcare market and also eliminating waiting periods for women with prior coverage; increase funding for nurse home visitation for pregnant and first time mothers. One example of this is the Nurse-Family Partnership, an evidence-based program and national model in which nurses mentor young first-time and primarily low-income mothers, establishing a supportive relationship with both mother and child.

Studies have shown this program to be both cost effective and hugely successful in terms of life outcomes for both mothers and children; increase funding for the Women, Infants and Children Program, providing nutrition assessment, counseling and education, obesity prevention, breastfeeding support, prenatal and pediatric health care referrals, immunization screening and referral, and a host of other services for mothers and children; expand nutritional support for low-income parents by increasing the income eligibility level for food stamps; increase funding for the Child Care and Development Block Grant, the primary source of federal funding for child care assistance for low-income parents.

I introduce this bill with the deepest conviction that we can find common ground. I believe that we can transform this debate by focusing upon the issues that unite us, not the issues that divide us. It's well known where I stand on these issues. I am a pro-life Democrat. I believe that life begins at conception and ends when we draw our last breath. I believe that the role of government is to protect, enrich, and value life for everyone, at every moment, from beginning to end. And I believe that we as a nation have to do more to support women and their children when they are most vulnerable—during pregnancy and early childhood.

I support family planning programs because they avoid what can be a dark moment, when a woman, often alone, faces a pregnancy she feels she can't handle. I support family planning programs precisely because they reduce abortions. But that is not the issue I address today. Today, with this bill, I am focused on the woman who is pregnant and I am asking a question we should all be asking: ''What more can I do?'' ''What more can we do for pregnant women who need our help?''

I believe there is more common ground in America than we might realize—if only we focus on how we can truly help and support women who wish to carry their pregnancies to term and how we can give them and their babies what they really need to begin healthy and productive lives together.

For the past 35 years, the abortion issue has been used mostly as a way to divide people, even as the number of abortions remains unacceptably high. We have to find a better way. I believe the Pregnant Women Support Act is part of that better way. We must work toward real solutions to the issue of abortion by targeting the underlying factors that often lead women to have abortions. This is precisely what the Pregnant Women Support Act will do.

We need to walk in solidarity with pregnant women who face unplanned pregnancies and who need our support and help, not our judgment. That is exactly what this bill does for that woman who finds herself alone as she faces what may be the most difficult experience of her entire life: the woman who has no one to turn to for advice, for counsel, for support. I truly believe there are few things more terrifying than the prospect of supporting another human being when you have no support of your own.

Reducing the number of abortions should not be a partisan issue. It should not pit Democrats against Republicans. I seek. common ground. I ask my colleagues on both sides of the aisle to join me in seeking real solutions that will unite us in providing life with dignity, before and after birth, for pregnant women, mothers and children. Surely we must all agree that no woman should ever have to face the crisis of an unplanned pregnancy alone.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pregnant Women Support Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEW PARENTS

Sec. 101. Grants for increasing public awareness of resources available to assist pregnant women in carrying their pregnancies to term and to assist new parents.

TITLE II—INCREASING WOMEN'S KNOWLEDGE ABOUT THEIR PREGNANCY

Sec. 201. Grants to health centers for purchase of ultrasound equipment.

TITLE III—PREGNANCY AS A PREEXISTING CONDITION

Sec. 301. Individual health insurance coverage for pregnant women.
Sec. 302. Continuation of health insurance coverage for newborns.

TITLE IV—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN

Sec. 401. Treatment of unborn children.
Sec. 402. Coordination with the maternal and child health program.

TITLE V—DISCLOSURE OF INFORMATION ON ABORTION SERVICES

Sec. 501. Disclosure of information on abortion services.

TITLE VI—SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS

Sec. 601. Services to patients receiving positive test diagnosis for down syndrome or other prenatally diagnosed conditions.

TITLE VII—SUPPORT FOR PREGNANT AND PARENTING COLLEGE STUDENTS

Sec. 701. Sense of Congress.
Sec. 702. Definitions.
Sec. 703. Pregnant and parenting student services pilot program.
Sec. 704. Application; number of grants.
Sec. 705. Matching Requirement.
Sec. 706. Use of funds.
Sec. 707. Reporting.
Sec. 708. Authorization of appropriations.

TITLE VIII—SUPPORT FOR PREGNANT AND PARENTING TEENS

Sec. 801. Grants to States.

TITLE IX—IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Sec. 901. Findings.
Sec. 902. Program to support pregnant women who are victims of domestic violence.
Sec. 903. Homicide death certificates of certain female victims.

TITLE X—LIFE SUPPORT CENTERS FOR PREGNANT WOMEN, MOTHERS, AND CHILDREN

Sec. 1001. Life support centers pilot program.

TITLE XI—PROVIDING SUPPORT TO NEW PARENTS

Sec. 1101. Increased support for WIC program.
Sec. 1102. Nutritional support for low-income parents.
Sec. 1103. Increased funding for the Child Care and Development Block Grant program.
Sec. 1104. Teenage or first-time mothers; free home visits by registered nurses for education on health needs of infants.

TITLE XII—COLLECTING AND REPORTING ABORTION DATA

Sec. 1201. Grants for collection and reporting of abortion data.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) In 2004, 839,226 abortions were reported to the Centers for Disease Control and Prevention.

(2) 48 percent of all pregnancies in America are unintended. Excluding miscarriages, 54 percent of unintended pregnancies end in abortion.

(3) 57 percent of women who have abortions have incomes below 200 percent of the poverty level.

(4) ''Cannot afford a baby'' is the second most frequently cited reason women choose

to have an abortion; 73 percent of women having abortions cited this reason as a contributing factor.

(5) This Act is an initiative to gather more complete information about abortion, to reduce the abortion rate by helping women carry their pregnancies to term and bear healthy children, and by affirming the right of women to be fully informed about their other options when they seek an abortion.

(6) The initiative will work to support women facing unplanned pregnancies, new parents and their children by providing comprehensive measures for health care needs, supportive services and helpful prenatal information and postnatal services.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''Secretary'' means the Secretary of Health and Human Services.

(2) The term ''State'' includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

TITLE I—PUBLIC AWARENESS AND ASSISTANCE FOR PREGNANT WOMEN AND NEW PARENTS

SEC. 101. GRANTS FOR INCREASING PUBLIC AWARENESS OF RESOURCES AVAILABLE TO ASSIST PREGNANT WOMEN IN CARRYING THEIR PREGNANCIES TO TERM AND TO ASSIST NEW PARENTS.

(a) GRANTS.—The Secretary may make grants to States to increase public awareness of resources available to pregnant women to carry their pregnancy to term and to new parents.

(b) USE OF FUNDS.—The Secretary may make a grant to a State under this section only if the State agrees to use the grant for the following:

(1) Identification of resources available to assist pregnant women to carry their pregnancy to term or to assist new parents, or both.

(2) Conducting an advertising campaign to increase public awareness of such resources.

(3) Establishing and maintaining a toll-free telephone line to direct people to—

(A) organizations that provide support services for pregnant women to carry their pregnancy to term;

(B) adoption centers; and

(C) organizations that provide support services to new parents.

(c) PROHIBITION.—The Secretary shall prohibit each State receiving a grant under this section from using the grant to direct people to an organization or adoption center that is for-profit.

(d) IDENTIFICATION OF RESOURCES.—The Secretary shall require each State receiving a grant under this section to make publicly available by means of the Internet (electronic and paper form) a list of the following:

(1) The resources identified pursuant to subsection (b)(1).

(2) The organizations and adoption centers to which people are directed pursuant to an advertising campaign or telephone line funded under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall make such funds available as may be necessary to carry out the activities of this section.

TITLE II—INCREASING WOMEN'S KNOWLEDGE ABOUT THEIR PREGNANCY

SEC. 201. GRANTS TO HEALTH CENTERS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317L the following:

''SEC. 317L–1. GRANTS FOR THE PURCHASE OR UPGRADE OF ULTRASOUND EQUIPMENT.

''(a) IN GENERAL.—The Secretary may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed medical physician, ultrasound examinations to pregnant women consenting to such services.

''(b) ELIGIBILITY REQUIREMENTS.—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

''(1) The entity is a health center eligible to receive a grant under section 330 (relating to community health centers, migrant health centers, homeless health centers, and public-housing health centers).

''(2) The entity agrees to comply with the following medical procedures:

''(A) The entity will inform each pregnant woman upon whom the ultrasound equipment is used that she has the right to view the visual image of the unborn child from the ultrasound examination and that she has the right to hear a general anatomical and physiological description of the characteristics of the unborn child.

''(B) The entity will inform each pregnant woman that she has the right to learn, according to the best medical judgment of the physician performing the ultrasound examination or the physician's agent performing such exam, the approximate age of the embryo or unborn child considering the number of weeks elapsed from the probable time of the conception of the embryo or unborn child, based upon the information provided by the client as to the time of her last menstrual period, her medical history, a physical examination, or appropriate laboratory tests.

''(c) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(d) ANNUAL REPORT TO SECRETARY.—A grant may be made under subsection (a) only if the applicant for the grant agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the eligibility conditions established in subsection (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.''.

TITLE III—PREGNANCY AS A PREEXISTING CONDITION

SEC. 301. INDIVIDUAL HEALTH INSURANCE COVERAGE FOR PREGNANT WOMEN.

(a) LIMITATION ON IMPOSITION OF PRE-EXISTING CONDITION EXCLUSIONS AND WAITING PERIODS FOR WOMEN WITH PRIOR COVERAGE.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by inserting after section 2753 the following new section:

''SEC. 2754. PROVIDING INDIVIDUAL HEALTH INSURANCE COVERAGE WITHOUT REGARD TO PREEXISTING CONDITION EXCLUSION AND WAITING PERIODS FOR PREGNANT WOMEN WITHIN ONE YEAR OF CONTINUOUS PRIOR COVERAGE.

''In the case of a woman who has had at least 12 months of creditable coverage before seeking individual health insurance coverage, such individual health insurance coverage, and the health insurance issuer offering such coverage, may not impose any preexisting condition exclusion relating to pregnancy as a preexisting condition, any waiting period, or otherwise discriminate in coverage or premiums against the woman on the basis that she is pregnant.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply to women who become pregnant on or after such date.

SEC. 302. CONTINUATION OF HEALTH INSURANCE COVERAGE FOR NEWBORNS.

(a) GROUP HEALTH PLAN COVERAGE.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by inserting after section 2707 the following new section:

''SEC. 2708. CONTINUATION OF COVERAGE FOR NEWBORNS.

''(a) NOTIFICATION.—In the case of a pregnant woman who is covered under a group health plan, or under group health insurance coverage, for other than family coverage, the plan or issuer of the insurance shall provide notice to the woman during the 5th month of pregnancy, during the 8th month of pregnancy, and within 2 weeks after delivery, of the woman's option to provide continuing coverage of the newborn child under the group health plan or health insurance coverage under subsection (b).

''(b) OPTION OF CONTINUED COVERAGE FOR NEWBORNS.—In the case of a pregnant woman described in subsection (a) who has a newborn child under a group health plan or under group health insurance coverage, the plan or issuer offering the coverage shall provide the woman with the option of electing coverage of the newborn child at least through the end of the 30-day period beginning on the date of birth of the child and no waiting period or preexisting condition exclusion shall apply with respect to the coverage of such a newborn child under such plan or coverage. Such continuation coverage shall remain in effect, subject to payment of applicable premiums, for at least such period as the Secretary specifies.''.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Such title is further amended by inserting after section 2754, as added by section 301, the following new section:

''SEC. 2755. CONTINUATION OF COVERAGE FOR NEWBORNS.

''The provisions of section 2708 shall apply with respect to individual health insurance coverage and the issuer of such coverage in the same manner as they apply to group health insurance coverage and the issuer of such coverage.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to women who become pregnant on or after such date and children who are born of such women.

TITLE IV—MEDICAID AND SCHIP COVERAGE OF PREGNANT WOMEN AND UNBORN CHILDREN

SEC. 401. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

''(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the

60-day period (beginning on the last day of pregnancy) ends; and

''(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.''.

SEC. 402. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.''.

(b) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(1) by striking ''and'' before ''(C)''; and

(2) by inserting before the semicolon at the end the following: '', and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2009.

TITLE V—DISCLOSURE OF INFORMATION ON ABORTION SERVICES

SEC. 501. DISCLOSURE OF INFORMATION ON ABORTION SERVICES.

(a) IN GENERAL.—Health facilities that perform abortions in or affecting interstate commerce shall obtain informed consent from the pregnant woman seeking to have the abortion. Informed consent shall exist only after a woman has voluntarily completed or opted not to complete pre-abortion counseling sessions.

(b) ACCURATE INFORMATION.—Counseling sessions under subsection (a) shall include the following information:

(1) The probable gestational age and characteristics of the unborn child at the time the abortion will be performed.

(2) How the abortion procedure is performed.

(3) Possible short-term and long-term risks and complications of the procedure to be performed.

(4) Options or alternatives to abortion, including, but not limited to, adoption, and the resources available in the community to assist women choosing these options.

(5) The availability of post-procedure medical services to address the risks and complications of the procedure.

(c) EXCEPTION.—This section shall not apply when the pregnant woman is herself incapable, under State law, of making medical decisions. This section does not affect or modify any requirement under State law for making medical decisions for such patients.

(d) CIVIL REMEDIES.—

(1) CIVIL ACTION.—Any female upon whom an abortion has been performed or attempted without complying with the informed consent requirements may bring a civil action in an appropriate district court of the United States against the person who performed the abortion in knowing or reckless violation of this section for actual and punitive damages.

(2) CERTAIN AUTHORITIES AND REQUIREMENTS.—With respect to an action under paragraph (1):

(A) The court may award attorney's fees to the plaintiff if judgment is rendered in favor of the plaintiff, and may award attorney's fees to the defendant if judgment is rendered in favor of the defendant and the court finds that the plaintiff's case was frivolous and brought in bad faith.

(B) The court shall determine whether the anonymity of the female involved will be preserved from public disclosure if the female has not consented to her identity being disclosed. If the female's identity is to be shielded, the court shall issue an order sealing the record and excluding individuals from the courtroom to preserve her identity.

(C) In the absence of the female's written consent, anyone other than a public official who brings the action shall do so under a pseudonym.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to conceal the identity of the plaintiff or of the witnesses from the defendant.

(e) SEVERABILITY.—If any provision of this section requiring informed consent for abortions is found unconstitutional, the unconstitutional provision is severable and the other provisions of this section remain in effect.

(f) PREEMPTION.—Nothing in this section shall prevent a State from enacting and enforcing additional requirements with respect to informed consent.

TITLE VI—SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS

SEC. 601. SERVICES TO PATIENTS RECEIVING POSITIVE TEST DIAGNOSIS FOR DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds as follows:

(A) Pregnant women who choose to undergo prenatal genetic testing should have access to timely, scientific, and nondirective counseling about the conditions being tested for and the accuracy of such tests, from health care professionals qualified to provide and interpret these tests. Informed consent is a critical component of all genetic testing.

(B) A recent, peer-reviewed study and two reports from the Centers for Disease Control and Prevention on prenatal testing found a deficiency in the data needed to understand the epidemiology of prenatally diagnosed conditions, to monitor trends accurately, and to increase the effectiveness of health intervention.

(2) PURPOSES.—It is the purpose of this section, after the diagnosis of an unborn child with Down syndrome or other prenatally diagnosed conditions, to—

(A) increase patient referrals to providers of key support services to assist parents in the care, or placement for adoption, of a child with Down syndrome, or other prenatally diagnosed conditions, as well as to provide up-to-date, science-based information about life-expectancy and development potential for a child born with Down syndrome or other prenatally diagnosed condition;

(B) provide networks of support services described in subparagraph (A) through a Centers for Disease Control and Prevention patient and provider outreach program;

(C) improve available data by incorporating information directly revealed by prenatal testing into existing State-based surveillance programs for birth defects and prenatally diagnosed conditions; and

(D) ensure that patients receive up-to-date, scientific information about the accuracy of the test.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399U. SUPPORT FOR PATIENTS RECEIVING A POSITIVE TEST DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(4) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(5) SUPPORT.—The terms 'support' and 'supportive services' mean services to assist parents to care for, and prepare to care for, a child with Down Syndrome or another prenatally diagnosed condition, and to facilitate the adoption of such children as appropriate.

''(b) INFORMATION AND SUPPORT SERVICES.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts, or cooperative agreements, to—

''(1) collect, synthesize, and disseminate current scientific information relating to Down syndrome or other prenatally diagnosed conditions;

''(2) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions, including—

''(A) the establishment of a resource telephone hotline and Internet Website accessible to patients receiving a positive test result;

''(B) the establishment of national and local peer-support programs; and

''(C) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally diagnosed conditions, with families willing to adopt;

''(3) establish a clearinghouse of information regarding the scientific facts, clinical course, life expectancy, and development potential relating to Down syndrome or other prenatally diagnosed conditions; and

''(4) establish awareness and education programs for health care providers who provide

the results of prenatal tests for Down syndrome or other prenatally diagnosed conditions, to patients, consistent with the purpose described in section 601(a)(2)(A) of the Pregnant Women Support Act.

''(c) DATA COLLECTION.—

''(1) PROVISION OF ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide assistance to State and local health departments to integrate the results of prenatal testing into State-based vital statistics and birth defects surveillance programs.

''(2) ACTIVITIES.—The Secretary shall ensure that activities carried out under paragraph (1) are sufficient to extract population-level data relating to national rates and results of prenatal testing.

''(d) PROVISION OF INFORMATION BY PROVIDERS.—Upon receipt of a positive test result from a prenatal test for Down syndrome or other prenatally diagnosed conditions performed on a patient, the health care provider involved (or his or her designee) shall provide the patient with the following:

''(1) Up-to-date, scientific, written information concerning the life expectancy, clinical course, and intellectual and functional development and treatment options for an unborn child diagnosed with or child born with Down syndrome or other prenatally diagnosed conditions.

''(2) Referral to supportive services providers, including information hotlines specific to Down syndrome or other prenatally diagnosed conditions, resource centers or clearinghouses, and other education and support programs described in subsection (b).

''(e) PRIVACY.—

''(1) IN GENERAL.—Notwithstanding subsections (c) and (d), nothing in this section shall be construed to permit or require the collection, maintenance, or transmission, without the health care provider obtaining the prior, written consent of the patient, of—

''(A) health information or data that identify a patient, or with respect to which there is a reasonable basis to believe the information could be used to identify the patient (including a patient's name, address, healthcare provider, or hospital); and

''(B) data that are not related to the epidemiology of the condition being tested for.

''(2) GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish guidelines concerning the implementation of paragraph (1) and subsection (d).

''(f) REPORTS.—

''(1) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Secretary shall submit a report to Congress concerning the implementation of the guidelines described in subsection (e)(2).

''(2) GAO REPORT.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2014.''.

TITLE VII—SUPPORT FOR PREGNANT AND PARENTING COLLEGE STUDENTS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) pregnant college students should not have to make a choice between keeping their baby and staying in school;

(2) the pilot program under this title will help interested, eligible institutions of higher education establish pregnancy and parenting student services offices that will operate independent of Federal funding no later than 5 years after the date of the enactment of this title; and

(3) amounts appropriated to carry out other Federal programs should be reduced to offset the costs of this title.

SEC. 702. DEFINITIONS.

In this title:

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term ''eligible institution of higher education'' means an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this title, a pregnant and parenting student services office described in section 706.

(2) PARENT; PARENTING.—The terms ''parent'' and ''parenting'' refer to a parent or legal guardian of a minor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 703. PREGNANT AND PARENTING STUDENT SERVICES PILOT PROGRAM.

From amounts appropriated under section 708 for a fiscal year, the Secretary shall establish a pilot program to award grants to eligible institutions of higher education to enable the eligible institutions to establish (or maintain) and operate pregnant and parenting student services offices in accordance with section 706.

SEC. 704. APPLICATION; NUMBER OF GRANTS.

(a) APPLICATION.—An eligible institution of higher education that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) REQUESTS FOR ADDITIONAL INFORMATION.—The Secretary may require an eligible institution submitting an application under subsection (a) to provide additional information if the Secretary determines such information is necessary to process the application.

(c) NUMBER OF GRANTS.—Subject to the availability of appropriations under section 708, the Secretary shall award grants under this title to no more than 200 eligible institutions.

SEC. 705. MATCHING REQUIREMENT.

An eligible institution of higher education that receives a grant under this title shall contribute to the conduct of the pregnant and parenting student services office supported by the grant an amount from non-Federal funds equal to the amount of the grant. The non-Federal share may be in cash or in kind, fairly evaluated, including services, facilities, supplies, or equipment.

SEC. 706. USE OF FUNDS.

(a) IN GENERAL.—An eligible institution of higher education that receives a grant under this title shall use grant funds to establish (or maintain) and operate a pregnant and parenting student services office, located on the campus of the eligible institution, that carries out the following programs and activities:

(1) Hosts an initial pregnancy and parenting resource forum—

(A) to assess pregnancy and parenting resources, located on the campus or within the local community, that are available to meet the needs described in paragraph (2); and

(B) to set goals for—

(i) improving such resources for pregnant, parenting, and prospective parenting students; and

(ii) improving access to such resources.

(2) Annually assesses the performance of the eligible institution and the office in meeting the following needs of students enrolled in the eligible institution who are pregnant or are parents:

(A) The inclusion of maternity coverage and the availability of riders for additional family members in student health care.

(B) Family housing.

(C) Child care.

(D) Flexible or alternative academic scheduling, such as telecommuting programs.

(E) Education to improve parenting skills for mothers and fathers and to strengthen marriages.

(F) Maternity and baby clothing, baby food (including formula), baby furniture, and similar items to assist parents and prospective parents in meeting the material needs of their children.

(G) Post-partum counseling and support groups.

(3) Identifies public and private service providers, located on the campus of the eligible institution or within the local community, that are qualified to meet the needs described in paragraph (2), and establishes programs with qualified providers to meet such needs.

(4) Assists pregnant and parenting students and their spouses in locating and obtaining services that meet the needs described in paragraph (2).

(5) If appropriate, provides referrals for prenatal care and delivery, infant or foster care, or adoption, to a student who requests such information. An office shall make such referrals only to service providers that primarily serve the following types of individuals:

(A) Parents.

(B) Prospective parents awaiting adoption.

(C) Women who are pregnant and plan on parenting or placing the child for adoption.

(D) Parenting or prospective parenting couples who are married or who plan on marrying in order to provide a supportive environment for each other and their child.

(b) EXPANDED SERVICES.—In carrying out the programs and activities described in subsection (a), an eligible institution of higher education receiving a grant under this title may choose to provide access to such programs and activities to a pregnant or parenting employee of the eligible institution, and the employee's spouse.

SEC. 707. REPORTING.

(a) ANNUAL REPORT BY INSTITUTIONS.—

(1) IN GENERAL.—For each fiscal year that an eligible institution of higher education receives a grant under this title, the eligible institution shall prepare and submit to the Secretary, by the date determined by the Secretary, a report that—

(A) itemizes the pregnant and parenting student services office's expenditures for the fiscal year;

(B) contains a review and evaluation of the performance of the office in fulfilling the requirements of this title, using the specific performance criteria or standards established under paragraph (2)(A); and

(C) describes the achievement of the office in meeting the needs listed in section 706(a)(2) of the students served by the eligible institution, and the frequency of use of the office by such students.

(2) PERFORMANCE CRITERIA.—Not later than 180 days before the date the annual report described in paragraph (1) is submitted, the Secretary—

(A) shall identify the specific performance criteria or standards that shall be used to prepare the report; and

(B) may establish the form or format of the report.

(3) ADDITIONAL INFORMATION.—After reviewing an annual report of an eligible institution of higher education, the Secretary may require that the eligible institution provide additional information if the Secretary determines that such additional information is necessary to evaluate the pilot program.

(b) REPORT BY SECRETARY.—The Secretary shall annually prepare and submit a report on the findings of the pilot program under this title, including the number of eligible institutions of higher education that were awarded grants and the number of students served by each pregnant and parenting student services office receiving funds under this title, to the appropriate committees of the Senate and the House of Representatives.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title not more than $10,000,000 for each of the fiscal years 2010 through 2014.

TITLE VIII—SUPPORT FOR PREGNANT AND PARENTING TEENS

SEC. 801. GRANTS TO STATES.

The Secretary shall make grants to States to allow early childhood education programs, including Head Start, to work with pregnant or parenting teens to complete high school and prepare for college or for vocational education.

TITLE IX—IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

SEC. 901. FINDINGS.

The Congress finds as follows:

(1) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other causes, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(2) A 2001 study published by the Journal of the American Medical Association found that murder is the number one cause of death among pregnant women.

(3) Research suggests that injury-related deaths, including homicide and suicide, account for approximately one-third of all maternal mortality cases, while medical reasons make up the rest. Homicide is the leading cause of death overall for pregnant women, followed by cancer, acute and chronic respiratory conditions, motor vehicle collisions and drug overdose, peripartum and postpartum cardiomyopthy, and suicide.

SEC. 902. PROGRAM TO SUPPORT PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—For fiscal year 2010 and each subsequent fiscal year, the Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, to be used for any of the following purposes:

(1) To assist States in providing intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, dating violence, or stalking.

(2) To provide for technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:

(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts.

(B) Professionals working in legal, social service, and health care settings.

(C) Nonprofit organizations.

(D) Faith-based organizations.

(b) STATE ELIGIBILITY.—To be eligible for a grant under subsection (a), a State shall—

(1) submit to the Attorney General an application in such time and manner, and containing such information, as specified by the Attorney General; and

(2) for a grant made for a fiscal year beginning on or after the date that is one year after the date of the enactment of this title, satisfy the requirement under section 903, relating to female homicide victim determinations and death certificates.

(c) TECHNICAL ASSISTANCE AND TRAINING DESCRIBED.—For purposes of subsection (a)(2), technical assistance and training is—

(1) the identification of eligible pregnant women experiencing domestic violence, dating violence, or stalking;

(2) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, dating violence, or stalking, as appropriate;

(3) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(4) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(d) DEFINITIONS.—For purposes of this title:

(1) ACCOMPANIMENT.—The term ''accompaniment'' means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and reasonable attorney and witness fees associated therewith.

(2) ELIGIBLE PREGNANT WOMAN.—The term ''eligible pregnant woman'' means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, dating violence, or stalking or who was pregnant during the one-year period before such date.

(3) INTERVENTION SERVICES.—The term ''intervention services'' means, with respect to domestic violence, dating violence, or stalking, 24-hour telephone hotline services for police protection and referral to shelters.

(4) STATE.—The term ''State'' includes the District of Columbia, any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

(5) SUPPORTIVE SOCIAL SERVICES.—The term ''supportive social services'' means transitional and permanent housing, vocational counseling, and individual and group counseling aimed at preventing domestic violence, dating violence, or stalking.

(6) VIOLENCE.—The term ''violence'' means actual violence and the risk or threat of violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making allotments under subsection (a), there are authorized to be appropriated $4,000,000 for each of the fiscal years 2010 through 2014.

SEC. 903. HOMICIDE DEATH CERTIFICATES OF CERTAIN FEMALE VICTIMS.

For purposes of section 902(b)(2), the requirement under this section is that not later than the date that is one year after the date of the enactment of this title, a State shall require, with respect to any homicide case initiated after such one-year date and in which the victim is a female of possible child-bearing age, each of the following:

(1) A determination of which, if any, of the following categories, described the victim:

(A) The victim was pregnant on the date of her death.

(B) The victim was not pregnant on the date of her death, but had been pregnant during the 42-day period before such date.

(C) The victim was not pregnant on the date of her death, but had been pregnant during the period beginning on the date that was one year before such date of her death and ending on the date that was 43 days before such date of her death.

(D) The victim was not pregnant during the one-year period before the date of her death.

(E) It could not be determined whether or not the victim had been pregnant during the one-year period before the date of her death.

(2) The determination made under paragraph (1) shall be included in the death certificate of the victim.

TITLE X—LIFE SUPPORT CENTERS FOR PREGNANT WOMEN, MOTHERS, AND CHILDREN

SEC. 1001. LIFE SUPPORT CENTERS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program to fund comprehensive and supportive services for pregnant women, mothers, and children. Such services may include—

(1) child care for infants and toddlers to allow mothers to find jobs and finish their education;

(2) relocation assistance to establish good and stable homes;

(3) educational support, such as preparation for pregnant and parenting mothers for the recognized equivalent of a secondary school diploma;

(4) counseling, including adoption counseling;

(5) parenting classes;

(6) business skills training;

(7) emergency aid in times of crisis;

(8) nutrition education and food assistance; and

(9) outreach to seniors, many of whom volunteer to help with the children or who receive advice on helping raise their own grandchildren.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section no more than $10,000,000 for each of the fiscal years 2010 through 2014.

TITLE XI—PROVIDING SUPPORT TO NEW PARENTS

SEC. 1101. INCREASED SUPPORT FOR WIC PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) served approximately 8,100,000 women, infants, and children per month in fiscal year 2006.

(2) Half of all infants in the United States and 1 in 4 young children under age 5 get crucial health and nutrition benefits from the WIC Program.

(3) It is estimated that every dollar spent on WIC results in between $1.92 and $4.21 in Medicaid savings for newborns and their mothers.

(4) The WIC program has been proven to increase the number of women receiving prenatal care, reduce the incidence of low birth weight and fetal mortality, reduce anemia, and enhance the nutritional quality of the diet of mothers and children.

(5) The WIC program's essential, effective nutrition services include nutrition assessment, counseling and education, obesity prevention, breastfeeding support and promotion, prenatal and pediatric health care referrals and follow-up, spousal and child abuse referral, drug and alcohol abuse referral, immunization screening, assessment and referral, and a host of other services for mothers and children.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the special supplemental nutrition program for women, infants, and children (WIC) authorized in section 17 of the Child Nutrition Act of 1966 (42

U.S.C. 1786), there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014, of which—

(1) there is authorized to be appropriated $15,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for breast-feeding peer counselors; and

(2) there is authorized to be appropriated $14,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014, for infrastructure needs.

SEC. 1102. NUTRITIONAL SUPPORT FOR LOW-INCOME PARENTS.

Section 5(c)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(c)(2)) is amended by striking ''30 per centum'' and inserting ''85 percent''.

SEC. 1103. INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2014.''.

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(D) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(D)) is amended by striking ''1997 through 2002'' and inserting ''2010 through 2014''.

SEC. 1104. TEENAGE OR FIRST-TIME MOTHERS; FREE HOME VISITS BY REGISTERED NURSES FOR EDUCATION ON HEALTH NEEDS OF INFANTS.

(a) IN GENERAL.—The Secretary may make grants to local health departments to provide to eligible mothers, without charge, education on the health needs of their infants through visits to their homes by registered nurses.

(b) ELIGIBLE MOTHER.—

(1) IN GENERAL.—For purposes of subsection (a), a woman is an eligible mother if, subject to paragraph (2), the woman—

(A) is the mother of an infant who is not more than 24 months of age; and

(B)(i) the woman was under the age of 20 at the time of birth; or

(ii) the infant referred to in subparagraph (A) is the first child of the woman.

(2) ADDITIONAL REQUIREMENTS FOR CERTAIN MOTHERS.—In the case of a woman described in paragraph (1)(B)(ii) who is 20 years of age or older, the woman is an eligible mother for purposes of subsection (a) only if the woman meets such standards in addition to the applicable standards under paragraph (1) as the local health department involved determines to be appropriate.

(c) CERTAIN REQUIREMENTS.—A grant may be made under subsection (a) only if the applicant involved agrees as follows:

(1) The program carried out under such subsection by the applicant will be designed to instill in eligible mothers confidence in their abilities to provide for the health needs of their newborns, including through—

(A) providing information on child development; and

(B) soliciting questions from the mothers.

(2) The registered nurses who make home visits under subsection (a) will, as needed, provide referrals for health and social services to serve the needs of the newborns.

(3) The period during which the visits will be available to an eligible mother will not be fewer than six months.

(d) AUTHORIZED SERVICES.—

(1) REQUIREMENTS.—A grant may be made under subsection (a) only if the applicant involved agrees that the following services will be provided by registered nurses in home visits under subsection (a):

(A) Information on child health and development, including suggestions for child-developmental activities that are enjoyable for parents and children.

(B) Advice on parenting, including information on how to develop a strong parent-child relationship.

(C) Information on resources about parenting, including identifying books and videos that are available at local libraries.

(D) Information on upcoming parenting workshops in the local region.

(E) Information on programs that facilitate parent-to-parent support services.

(F) In the case of an eligible mother who is a student, information on resources that may assist the mother in completing the educational courses involved.

(2) ADDITIONAL SERVICES.—A grant under subsection (a) may be expended to provide services during home visits under such subsection in addition to the services specified in paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

TITLE XII—COLLECTING AND REPORTING ABORTION DATA

SEC. 1201. GRANTS FOR COLLECTION AND REPORTING OF ABORTION DATA.

(a) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for collecting and reporting abortion surveillance data.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this section only if the State agrees to submit a report in each of fiscal years 2011 and 2013 on the State's abortion surveillance data.

(2) CONTENTS.—Each report submitted by a State under this subsection shall, with respect to the preceding 2 fiscal years, include—

(A) the number and characteristics of women obtaining abortions in the State; and

(B) the characteristics of these abortions, including the approximate gestational age of the unborn child, the abortion method, and any known physical or psychological complications.

(3) PERSONAL INFORMATION.—A report submitted by a State under this subsection shall not contain the name of any woman obtaining or seeking to obtain an abortion, any common identifier (such as a social security number), or any other identifier (including statistical information) that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

(c) CONFIDENTIALITY.—The Secretary shall maintain the confidentiality of any individually identifiable information reported to the Secretary under this section.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of fiscal year 2013, the Secretary shall submit a report to the Congress on the abortion surveillance data reported to the Secretary under this section.

(2) PERSONAL INFORMATION.—A report submitted by the Secretary to the Congress under this subsection shall not contain any name or other identifier described in subsection (b)(3).

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.

By Mr. HARKIN:

S. 272. A bill to amend the Commodity Exchange Act to ensure that all agreements, contracts, and transactions with respect to commodities are carried out on a regulated exchange, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am reintroducing legislation—the Derivatives Trading Integrity Act—which calls for establishing stronger standards of openness, transparency and integrity in the trading of financial swaps and other over-the-counter derivative contracts as a critical step toward rebuilding and restoring confidence in the financial system. Over the years, the Commodity Futures Trading Commission and laws enacted by Congress have allowed instruments that are in form and function futures contracts to be privately negotiated without the safeguards provided through trading on exchanges regulated by the Commodity Futures Trading Commission, CFTC.

The economic downturn in this country is forcing us to examine all contributing factors to the crisis in our financial markets. By restoring reasonable safeguards and regulation of swaps, including credit default swaps, along with all other futures contracts, this legislation will go a long way to restore confidence in the markets and reestablish soundness and integrity in the financial system. My bill will end the unregulated ''casino capitalism'' that has engendered great risks in swaps trading. And it will bring these transactions out into the sunlight where they can be monitored and appropriately and responsibly regulated. This legislation will establish authority and safeguards to ensure that parties can meet their obligations to manage and reduce danger and risk to the entire financial system and economy.

Virtually all contracts now commonly referred to as swaps fall under the definition of futures contracts and function basically in the same manner as futures contracts. This bill amends the Commodity Exchange Act to eliminate the distinctions in the regulatory treatment of futures contracts among ''excluded'' and ''exempt'' commodities, and the transactions in them, and regulated, exchange-traded commodities and transactions in them. Futures contracts for all commodities would be treated the same in the law and regulations.

In addition, the bill eliminates the statutory exclusion of swap transactions from regulation, and it ends the Commodity Futures Trading Commission's authority to exempt such transactions from the general requirement that a contract for the purchase or sale of a commodity for future delivery can only trade on a regulated board of trade. In effect, this proposed change

in the law means that all futures contracts must trade on a designated contract market or a derivatives transaction execution facility. The requirement for exchange trading would thus include over-the-counter trading of financial derivatives just as it does for futures contracts in physical commodities such as corn, soybeans and petroleum.

We have seen large negative consequences from the lack of price transparency and the failure to properly measure and collateralize the risk in trading over-the-counter derivatives. The problems have not been seen in the trading of financial futures on regulated futures markets, subject to the oversight of the Commodity Futures Trading Commission.

This legislation I am introducing will establish the standard that all futures contracts trade on regulated exchanges. The regulated exchanges will work with the Commodity Futures Trading Commission to ensure that trading on the exchange is fair and equitable and not subject to abuses. The Commodity Futures Trading Commission has the experience and expertise to oversee these matters.

Bringing necessary openness, transparency, soundness, and integrity to trading in contracts which are now unregulated over-the-counter swaps and related derivatives is a key element in restoring trust and confidence in the financial system so that we can rebuild our economy on a solid foundation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Derivatives Trading Integrity Act of 2009''.

SEC. 2. REGULATION OF CERTAIN AGREEMENTS, CONTRACTS, AND TRANSACTIONS.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by striking paragraphs (10), (11), (13), (14), and (33); and

(2) by redesignating—

(A) paragraph (12) as paragraph (10);

(B) paragraphs (15) through (32) as paragraphs (11) through (28), respectively; and

(C) paragraph (34) as paragraph (29).

(b) EXCLUSIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) by striking subsections (d), (e), (g), (h), and (i); and

(2) by redesignating subsection (f) as subsection (d).

(c) RESTRICTION OF FUTURES TRADING TO CONTRACT MARKETS OR DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''Unless exempted by the Commission pursuant to subsection (c), it shall'' and inserting ''It shall'';

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(d) EXEMPT BOARDS OF TRADE.—Section 5d of the Commodity Exchange Act (7 U.S.C. 7a–3) is repealed.

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 2(a)(2)) is amended—

(1) in paragraph (10)(A)(x), by striking ''(other than an electronic trading facility with respect to a significant price discovery contract)'';

(2) in paragraph (25)—

(A) in subparagraph (C), by inserting ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (E); and

(3) in paragraph (27), by striking ''section 2(c), 2(d), 2(f), or 2(g) of this Act'' and inserting ''subsection (c) or (d) of section 2''.

(b) Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''5d,''; and

(B) in subparagraph (F), by striking ''in an excluded commodity''; and

(2) in paragraph (2)(B)(i)(II)—

(A) in item (cc), by striking ''section 1a(20) of this Act'' each place it appears and inserting ''section 1a(16)''; and

(B) in item (dd), by striking ''section 1a(12)(A)(ii) of this Act'' and inserting ''section 1a(10)(A)(ii)''.

(c) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''or on electronic trading facilities with respect to a significant price discovery contract''; and

(B) in the second sentence, by striking ''or on an electronic trading facility with respect to a significant price discovery contract,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or electronic trading facility with respect to a significant price discovery contract''; and

(B) in paragraph (2), in the matter preceding the proviso, by striking ''or electronic trading facility with respect to a significant price discovery contract''; and

(3) in subsection (e)—

(A) in the first sentence—

(i) in the matter preceding the proviso—

(I) by striking ''or by any electronic trading facility'';

(II) by striking ''or on an electronic trading facility''; and

(III) by striking ''or electronic trading facility''; and

(ii) in the proviso, by striking ''or electronic trading facility''; and

(B) in the second sentence, in the matter preceding the proviso, by striking ''or electronic trading facility with respect to a significant price discovery contract''.

(d) Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by striking ''and in any significant price discovery contract traded or executed on an electronic trading facility or''.

(e) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended—

(1) in the matter preceding paragraph (1), by striking ''or any significant price discovery contract traded or executed on an electronic trading facility''; and

(2) in the matter following paragraph (2), by striking ''or electronic trading facility''.

(f) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D)(ii), by inserting ''or'' after the semicolon at the end;

(B) in subparagraph (E), by striking ''; or'' and inserting a period; and

(C) by striking subparagraph (F); and

(2) in subsection (g)—

(A) in the heading, by striking ''ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES'' and inserting ''EXCLUDED SECURITIES''; and

(B) in paragraph (1)—

(i) by striking ''excluded or exempt commodities other than'' and inserting ''commodities other than an agricultural commodity enumerated in section 1a(4) or''; and

(ii) by striking '', 2(d), or 2(g) of this Act, or exempt under section 2(h) of this Act''.

(g) Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended—

(1) in subsection (a)(1), by striking ''section 2(a)(1)(C)(i), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act'' and inserting ''subsection (a)(1)(C)(i), (c), or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A457)''; and

(2) in subsection (b), by striking ''section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act'' and inserting ''subsection (c) or (d) of section 2 or title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A457)''.

(h) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended—

(1) in subsection (a)(1), by striking ''and section 2(h)(7) with respect to significant price discovery contracts,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking '', derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract'' and inserting ''or derivatives transaction execution facility''; and

(B) in paragraphs (2) and (3), by striking '', derivatives transaction execution facility, or electronic trading facility'' each place it appears and inserting ''or derivatives transaction execution facility''; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by striking ''or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility,''.

(i) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking ''or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(j) Section 5f(b)(1) of the Commodity Exchange Act (7 U.S.C. 7b–1(b)(1)) is amended in the matter preceding subparagraph (A), by striking ''section 5f'' and inserting ''this section''.

(k) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended—

(1) in the first sentence—

(A) by striking ''or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''; and

(B) by striking ''or electronic trading facility''; and

(2) in the second sentence, in the matter preceding the proviso, by striking ''or electronic trading facility''.

(l) Section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking paragraph (2) and inserting the following:

''(2) EFFECT.—This Act supersedes and preempts the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of an agreement, contract, or

transaction that is excluded from this Act under—

''(A) subsection (c) or (d) of section 2; or

''(B) title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A457).''.

(m) Section 15(b) of the Commodity Exchange Act (7 U.S.C. 19(b)) is amended by striking ''4(c) or''.

(n) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking ''by section 2(h)(7) or sections 5 through 5c'' and inserting ''under sections 5 through 5c''.

(o) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2 note; Public Law 110–246) is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 14—TO PROVIDE FUNDING FOR SENATE STAFF TRANSITIONS

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That (a) for purposes of this section, the term ''eligible staff member'' means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period from January 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (b)(2)(B), funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(f) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(i) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, supra.

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

On page 976, strike lines 8 through 25.

On page 977, line 1, strike ''(6)'' and insert ''(5)''.

On page 977, line 3, insert ''and'' after ''interactions;''.

On page 977, line 4, strike ''(7)'' and insert ''(6)''.

On page 977, line 5, strike ''(6)'' and insert ''(5)''.

On page 977, line 8, strike ''scales;'' and insert ''scales.''.

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike ''2'' and insert ''5''.

On page 526, line 7, strike ''5'' and insert ''2''.

On page 974, line 19, insert ''the Secretary of the Army, acting through'' before ''the Chief''.

On page 1188, line 19, strike ''or'' and insert ''of''.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Title VII Fairness Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which that voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises

due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

''(3)(A) This paragraph shall apply to a charge if—

''(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

''(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

''(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

''(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).

''(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.''.

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''(d)'' and inserting ''(d)(1)'';

(3) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(4) by adding at the end the following:

''(3)(A) This paragraph shall apply to a charge if—

''(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

''(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

''(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

''(C) Nothing in this paragraph shall be construed to change or modify any remedial provision of this Act.

''(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful practice relating to the provision of a pension or a pension benefit.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)(3)) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to claims of discrimination brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) CONFORMING AMENDMENTS.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(f)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

''(2) For purposes of applying section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section.''.

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

(B) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)(3)) to a complaint under section 15 of that Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

Strike the heading for section 6 and insert the following:

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) FINDINGS.—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike ''or other practices''.

(b) CIVIL RIGHTS ACT OF 1964.—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert the following:

''(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.''.

(c) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—In section 7(d) of the Age Discrimination in Employment Act of 1967 (as amended by section 4), strike paragraph (3) and insert the following:

''(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision is adopted, when a person becomes subject to a discriminatory compensation decision, or when a person is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 15, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 15, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, January 15, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 11:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 9:45 a.m., to hold a nomination hearing for the Honorable Susan E. Rice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BINGAMAN. 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 ''Investing in Health IT: A Stimulus for a Healthier America'' on Thursday, January 15, 2009. 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. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, January 15, 2009 at 2:30 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Job Creation and Economic Stimulus in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States on Thursday, January 15, 2009, at 9:30 a.m., in room SR–325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Madam President, I ask unanimous consent that a member of my staff, Deborah Katz, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that Mitch Schaben of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE STAFF TRANSITION

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 14.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) to provide funding for Senate staff transition.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That (a) for purposes of this section, the term ''eligible staff member'' means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period from January 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (b)(2)(B), funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(f) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(i) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

RALPH REGULA FEDERAL OFFICE BUILDING AND COURTHOUSE

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. 273.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 273) to require the designation of a federally occupied building located at McKinley Avenue and Third Street, S.W., in Canton, Ohio, as the ''Ralph Regula Federal Office Building and Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 273) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RALPH REGULA FEDERAL OFFICE BUILDING AND COURTHOUSE.

(a) DESIGNATION.—The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, is known and designated as the ''Ralph Regula Federal Office Building and Courthouse''.

(b) REFERENCES.—During the period in which the building referred to in subsection (a) is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the ''Ralph Regula Federal Office Building and Courthouse''.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111–1

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 15, 2009, by President Bush: Tax Convention with Malta, Treaty Document No. 111–1. I further ask that the treaty be considered as having been read the first

time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on August 8, 2008, at Valletta (the ''proposed Convention''). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention.

The proposed Convention provides for reduced withholding rates on cross-border payments of dividends, interest, royalties, and other income. The proposed Convention contains a restrictive provision designed to prevent ''treaty shopping,'' which is the inappropriate use of a tax treaty by third-country residents. The proposed Convention also provides for the exchange of information between the competent authorities to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Convention and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 15, 2009.*

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, I apologize to all of the staff—we have had a long, hard week—for keeping everybody around, but we have had some very important business Senator MCCONNELL and I have been working on for 3 days and we just could not leave without completing that. I know it is tough to be out here and have a quorum call and not getting things done, but when we are not out here, it does not mean we are not doing things. So I apologize to the Presiding Officer and the wonderful staff, but I appreciate your patience.

ORDERS FOR FRIDAY, JANUARY 16, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, January 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business, with Senators allowed to speak for up to 10 minutes each. I further ask consent that Senator SALAZAR be recognized to speak following leader remarks in order to give his farewell remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at 11 o'clock tomorrow morning, Senator-appointee TED KAUFMAN will take the oath of office and become a U.S. Senator, replacing our soon-to-be Vice President, JOE BIDEN.

There will be no rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:32 p.m., adjourned until Friday, January 16, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF REGULATIONS RELATING TO INTERAGENCY COOPERATION UNDER THE ENDANGERED SPECIES ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. RAHALL. Madam Speaker, today I am introducing legislation, using the authority granted to Congress under the Congressional Review Act, to overturn last minute regulations promulgated by the Bush Interior and Commerce Departments which give federal agencies an unacceptable degree of discretion to decide whether or not to comply with the Endangered Species Act, ESA.

Joining me in introducing this measure are Mr. MARKEY, Mr. GEORGE MILLER, Mr. DEFAZIO, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. GRIJALVA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER. I thank them for their support.

The Bush Administration has had a long, though one could hardly say proud, history of trying to undermine the Endangered Species Act and the protection it provides our Nation's most imperiled species. For years, high ranking political appointees in the Department of Interior used their positions and influence to meddle in scientific decisions under the ESA and alter outcomes, potentially harming species and most definitely harming the integrity of the law and morale and reputation of the agency charged with implementing it.

The rules we seek to overturn with this joint resolution were rushed through in the final months of the Administration and are the final assault on and insult to one of our nation's landmark conservation laws. They gut what is the cornerstone of the law, the Section 7 consultation process, and allow federal agencies to undertake or permit thousands of federal activities, such as logging or building a dam, on federal land and other areas without obtaining review or comment from federal wildlife biologists at the Fish and Wildlife Service.

This incredibly controversial proposal—which could have far-reaching implications on the future integrity of the Endangered Species program—clearly merits more public scrutiny than the Administration provided. First proposed in late August, the Administration rushed a public comment period and environmental assessment and then reviewed more than 300,000 public comments at a rate of more than 6,000 per hour. This last minute, ill-conceived overhaul of the rules governing America's endangered wildlife, brokered behind closed doors, is an affront to the American people who trust their government to do the right thing.

Eleventh hour rulemakings rarely, if ever, lead to good government, and this is not the type of legacy the Bush Administration should be leaving for future generations. Not surprisingly, this is not the first time—though fortunately it will likely be the last—that the Bush Interior Department abdicated their responsibility for ensuring that an agency action will not jeopardize a listed species or harm their habitat. Similar regulations proposed to allow the Environmental Protection Agency to decide whether to consult when licensing pesticides were rejected by the Court in 2006, just as we should reject these regulatory changes now.

As the Bush Administration fades off into the sunset, they leave behind a trail of last minute regulatory changes that represent the worst in public policy and that Congress and the new President will have to undo. In my role as chairman of the Natural Resources Committee, I look forward to working with the Obama Administration to correct course and promote a positive resource conservation agenda. We need to invoke the change that is needed to restore the vigor and vitality of America, including the unique natural heritage that has carved our Nation as we know it today. Passage of this joint resolution will be one important step in restoring that natural heritage.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today to express my strong support for the Children's Health Insurance Program Reauthorization Act of 2009 which will provide health care coverage for an additional 4.1 million children. Every child in America should have the right to health care, and this bill will bring us one step closer to that goal.

It is unacceptable that more than 47 million Americans, including 11 percent of American children, are without health insurance. Many hard-working families in Minnesota and across the nation have lost their jobs, 2.6 million jobs in the last year. For every 1 percent increase in the unemployment rate, it is estimated that as many as 1.5 million Americans will lose their health care coverage. Expanding SCHIP will expand health care access for children at a time when too many American families are losing employer-sponsored health care. In these tough economic times, by helping families gain access to health care, we can give families the resources they need to give their children a better future.

The bill provides access to health care for 4 million children in America who are currently uninsured and preserves the coverage for all 7.1 million children currently covered by SCHIP. It is supported by 80 percent of the American people and over 300 organizations—including large majorities of Democrats, Independents and Republicans. The bill will extend coverage to 4.1 million additional low-income, uninsured children, covering a total of 11 million, and is likely to be one of the first signed into law by President Barack Obama. Last year, President Bush vetoed this vital health legislation that was passed by both chambers of Congress.

The State Children's Health Insurance Program (SCHIP) was created in 1997 to provide health care coverage for children in families that earn too little to afford health insurance for their children themselves but too much to qualify for Medicaid. This bill will give states the resources and incentives necessary to reach and cover millions of uninsured children who are currently eligible, but not enrolled. It will also improve SCHIP benefits-ensuring dental coverage and mental health parity. This bill is largely paid for by increasing the tobacco tax by 61 cents, and will help keep kids and families healthy while saving taxpayers money in the long-run.

Expanding SCHIP is an important step forward, but we still must keep fight to make healthcare available and affordable for all Americans. As we reform our health care system, we need to focus on accessible, patient-centered care that focuses on wellness and prevention, while improving the quality of patient care. will continue to fight to expand SCHIP and make health care available and affordable for Minnesota children and their parents.

As we start the new Congress and the new administration I can think of no better way to bring about change than by investing in our children's health care. It is morally right, and crucial for the future of our Nation. I urge my colleagues to join me in voting for this important bill.

HONORING TONY DUNGY, INDIANAPOLIS COLTS HEAD COACH

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to honor Tony Dungy, head coach of the Indianapolis Colts, who after more than 30 years in football has announced his retirement.

Mr. Dungy's stellar career in professional football began on the field, where he won a Super Bowl Championship as a member of the 1978 Pittsburgh Steelers. Years later, this experience led to his hiring as the youngest assistant coach in the NFL at the age of 25.

His respectful coaching style and emphasis on both personal and athletic growth has made Mr. Dungy one of the most successful and well regarded coaches in the NFL. His unique coaching style led the Colts to seven consecutive playoff appearances, including a victory in Super Bowl XLI. In 2012, Indianapolis will host its first Super Bowl, in part because of the prestige that Mr. Dungy has brought to the Colts organization.

Off the field, Mr. Dungy has been a nationally recognized community activist. Because of his unwavering support of teen mentoring, prison ministry, and other faith based community outreach programs, President Bush appointed him to the President's Council on Service and Civic Participation.

I urge my colleagues to join me in congratulating Tony Dungy on an incredible career and thanking him for his dedication to the highest level of sport and community service.

IN MEMORY OF M. PAUL REDD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mrs. LOWEY. Madam Speaker, I rise, with great admiration for a leader of unparalleled strength of conviction and with personal sadness at the loss of a good friend, to pay tribute to the life, achievements, and memory of M. Paul Redd.

Paul Redd's record of civic accomplishment is well-known: his tireless stewardship of the Westchester County Press, his founding of the Westchester Chapter of the N.A.A.C.P., his leadership of Westchester/Putnam Affirmative Action, his deep engagement in the work of government and the challenge of politics. These roles and duties have been rightly noted and extolled in the days since Paul's passing, yet they alone do not capture the essence of the man.

It was Paul Redd's fearless character, a trait that infused and informed all of his deeds, that shines most brightly in memory.

Paul Redd moved easily in the corridors of power and counted among his friends men and women of great influence, but Paul was never an insider, because he understood at every moment that he spoke for those on the outside—those who were denied opportunities to achieve their potential, exercise their rights, and enjoy the full fruits of a free and decent society. And if Paul's voice was sometimes loud, it is because so often he gave voice to those without one of their own.

Paul Redd was not interested in making anyone comfortable, nor in employing the empty pleasantries that too often conceal injustice. He understood that wrongs are best addressed directly and forcefully, in the full light of day. And he was willing to confront anyone, big or small, friend or foe, when the duties of conscience demanded it.

It is no wonder, therefore, that his column "M. Paul Tells All" was so unique in its incisive commentary and in the attention it commanded among public officials and citizens alike. It is no wonder that Paul Redd was at the forefront of protests and demonstrations to achieve equal opportunity in housing and employment. It is no wonder that Paul Redd left a lasting mark in law and administration, an edifice of public policy that will outlive us all.

Paul Redd's vocal public leadership was matched by a quiet, dutiful, and often thankless private acceptance of heavy responsibility. Nowhere is this more evident than in the survival and success of the Westchester County Press, sustained almost as an act of will by Paul Redd. He worked often late into the night and then on into the morning to ensure that it never missed an issue, enlisting friends and colleagues in his labors, and ensuring that the paper of record of Westchester's African-American community would not be silenced.

It goes without saying that Paul was utterly devoted to and fully supported by his loving family, beginning with his partner and dear wife of so many years, Orial Redd, and continuing with two children who are accomplished in and devoted to service, Paula Redd Zeman and M. Paul Redd, Jr.

Paul Redd surely drew great satisfaction and hope from the progress he witnessed—and often led—over the span of decades. He was proud of the many African-Americans who achieved public office in our county, encouraged by the breaking of barriers that opened the doors of public and private sector leadership to all Americans, and elated by the election of our nation's first African-American President. But Paul Redd never confused movement towards a goal with final attainment of a goal. His eyes were always forward, fixed on the unmet challenge and determined to meet it. Paul knew what our community and nation could and should be and, in life, was unwilling to rest so long as this vision remained distant.

Like Dr. King, whom he revered, Paul Redd was destined to see the promised land, more clearly than most, but not to set foot within it. It must be the mission now of those who knew and loved him to finish the work for which Paul Redd gave every measure of his devotion.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. WOOLSEY. Madam Speaker, I rise in strong support of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009. In 2007, more than 8 million children were uninsured, and with the growing recession, this number will only grow. Passing this bill will ensure that 4 million of those children will receive CHIP, bringing the total number of children covered by CHIP to 11 million.

Expanding health care coverage for our most vulnerable populations, including legal immigrant children and some pregnant women, is an obligation we cannot afford to ignore. Nearly 400,000 legal immigrant children come from families with incomes below 200 percent of the Federal poverty level and are ineligible for CHIP solely because they are recent immigrants. These families, uninsured and unable to purchase private health insurance on their own, are left to fend for themselves when they desperately need health care for their children. This is unacceptable, and with this legislation, we will reverse this shameful practice by providing States with the option of covering these deserving low-income families.

The passage of this bill is a great start, but we must do better. While this bill extends coverage to an additional 4 million children, including legal immigrants, over 4 million children will still suffer without health care coverage. In addition, nearly 90 million people went without health coverage for all or part of 2006 and 2007, most of them in working families. These numbers are disgraceful. This Congress, I look forward to working with my colleagues to ensure that our children and their families have access to high quality, affordable healthcare as a basic human right, not as a luxury.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. SCHIFF. Madam Speaker, today I rise in support of the Children's Health Insurance Program Reauthorization Act. This is a landmark measure which will extend the life-changing benefit of health insurance to an additional 4 million American children. That means millions of parents won't have to bring their child to the emergency room because they're running a fever and have nowhere else to go. Millions of parents who can take their child to a dentist if their teeth hurt. Millions of parents who can take care of their children in a way most families take for granted—that when they're sick, they can go to the doctor.

SCHIP has been an incredible success story, extending the benefits of health care to 7 million children, and more than 750,000 in California alone. These are children whose families have incomes that are too high to qualify for Medicaid but who do not receive health insurance through their employment and can't afford it on their own. SCHIP is based on a simple premise—that insuring kids' health care is the right thing to do. It's much cheaper to insure children, and this investment will yield healthier generations of adults, improved quality of life, and long-term health care savings. The experience of the 11 years since SCHIP was originally created proves the wisdom and prudence of providing care for prevention and wellness in our children.

In addition to reauthorizing the program, this bill improves SCHIP by creating new incentives to seek out millions of children around the nation who are eligible but not enrolled. Two-thirds of uninsured children are currently eligible for coverage through SCHIP or Medicaid—this bill provides greater funding in grants for new outreach activities to States, local governments, schools, community-based organizations, and others. With this bill, more kids who are eligible will get enrolled and stay enrolled for a benefit that they are entitled.

The legislation is fully paid for by an increase in the tax on cigarettes—a provision that I hope will also help discourage youth smoking.

During these trying economic times, and with rising unemployment, the need for this SCHIP bill has become more critical now than ever before. This recession has forced more and more American parents to face difficult choices—finding affordable health insurance for their children shouldn't be one of them.

A vote for this bill is a vote for an America that takes care of its children. In the richest nation in the history of the world, it is simply

wrong that millions of children, our most vulnerable citizens, go without basic access to health care. With a yes vote, 4 million more children will enjoy the benefits of a healthy future and a real chance in life. I urge a ''yes'' vote.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in a vote on the floor of the House of Representatives yesterday.

The vote was H. Res. 40, amending the Rules of the House of Representatives to require each standing committee to hold periodic hearings on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize, and for other purposes. Had I been present, I would have voted ''yea'' on that question.

BOY SCOUT OF AMERICA'S DISTRICT AWARD OF MERIT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. ORTIZ. Madam Speaker, I rise today to honor two constituents from South Texas: Patricia ''Cherie'' Camacho and Marion Velarde.

These two South Texans have been awarded the District Award of Merit from the Boy Scouts of America, and it is the highest award bestowed upon volunteers in a district that symbolizes their exceptional and noteworthy service to youth in the Boy Scouts of America.

Cherie has served as Scoutmaster for Pack 59 for two years, a commissioner for the Tip-o-Tex District for five years, and as the 2007 Rio Grande Council Scoutorama Chairman. Her sons Travis and Jordan are currently in Pack 59, and son Ronald has achieved Eagle Scout rank and achieved the Arrow of Light award.

Marion has served as assistant Scoutmaster for Troop 11 for eight years and as an assistant commissioner for the Tip-o-Tex district for three years. She has also held numerous positions with the Rio Grande Council. Marion has been a teacher and administrator for Brownsville Public Schools for over 25 years, and her son Alejandro achieved Eagle Scout rank.

The Boy Scouts of America continue their tradition of providing quality programs for boys and young men. I am proud of both Cherie and Marion for taking an active role in lives of our youth. These parents serve as shining examples of love and duty in our communities.

TRIBUTE TO KEVIN E. QUINLAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. BERKLEY. Madam Speaker, as co-chair of the Congressional Stop DUI Caucus, I rise today in tribute to one of the Nation's top traffic safety officials, who has passed away suddenly.

Kevin E. Quinlan was the Chief of the Safety Advocacy Division of the National Transportation Safety Board (NTSB). Mr. Quinlan was with the Safety Board for nearly 20 years, serving as the Alcohol and Drug Program Coordinator and Chief of the Safety Recommendations Division. He was instrumental in promoting State action on Safety Board recommendations to reduce fatalities, injuries, and crashes in all modes of transportation. Mr. Quinlan authored five major studies for the Board. Prior to his work with the NTSB, Mr. Quinlan served in the U.S. Army for 29 years, receiving the Legion of Merit and Meritorious Service Medal. He has an undergraduate degree from Boston University and graduate degrees from William and Mary, the U.S. Army Command and General Staff College, and the U.S. Air Force Air War College.

Mr. Quinlan loved to travel and was skiing in Vermont when he suffered a fatal heart attack. He was well-respected and admired by everyone in the traffic safety community. He was a mentor to countless traffic safety advocates and an inspiration to the thousands of people who lost loved ones to the preventable crime of drunk driving. One of his greatest passions was the fight to stop drunk driving. His expert testimony led to the passage of many effective countermeasures across this Nation. His work has saved countless lives and I ask that my colleagues join me in honoring him today.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate my colleagues on the passage of H.R. 2 yesterday afternoon.

H.R. 2 is a critical piece of legislation that renews and improves the State Children's Health Insurance Program (SCHIP) that ensures health care coverage for over 11 million American children—including the addition of 4 million, previously uninsured.

This legislation also improves SCHIP benefits by ensuring coverage for dental and mental health services.

H.R. 2 will reauthorize SCHIP through FY 2013 and will be fully paid for through an increase in the tobacco tax.

Raising the tobacco tax discourages children from smoking. According to the Campaign for Tobacco-Free Kids, the tobacco tax increase will prevent nearly 2 million children from starting to smoke.

I am hopeful that the Senate will also pass H.R. 2 and I look forward to this important legislation becoming law under the new administration of President Obama.

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 9, 2009

Mr. KINGSTON. Madam Speaker, when Israel unilaterally withdrew from Gaza in 2005, the Islamic group Hamas—which does not acknowledge Israel's right to exist—took control over the small strip of land. Since then, relations between Gaza and Israel have steadily deteriorated.

On December 19, Hamas ended the 6-month cease-fire with Israel by launching dozens of rocket attacks into southern Israel, randomly targeting civilian neighborhoods. Eight days later, Israel began a counter defensive of large scale air strikes. Hamas has continually used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a reduction in the quality of daily life and the deteriorating humanitarian situation.

I deeply support Israel's right to defend themselves against Hamas attacks. I also hope to see a sustainable crease-fire brokered to save the innocent victims of Hamas' continual instigation of Israel's defensive power.

A friend recently sent me this compelling Washington Post article which I would like to submit for the RECORD.

[From the Washington Post, Jan. 4, 2009]

AS MY SON GOES TO WAR, I AM FULLY ISRAELI AT LAST

(By Yossi Klein Halevi)

JERUSALEM.—''I just heard on the news that Gavriel's base has been shelled,'' my wife, Sarah, said to me last Tuesday, referring to our 19-year-old son, a member of an Israeli army tank unit waiting on the Gaza border for the order to enter. And, she added in a deliberately calm tone, ''A soldier was killed.'' We texted Gavriel, and within five minutes he called, safe. How, Sarah asked, did families survive war before cellphones?

For days we waited for a cabinet decision: Will there be a land invasion or a new cease fire? The politicians began to bicker while our soldiers waited on the border, in the rain and the mud. Anything but this, I said to Sarah. Not another Lebanon War, which, like Gaza, began with an impressive show of Israeli air power but ended with Hezbollah leader Hassan Nasrallah predicting the imminent end of ''the Zionist entity.'' If we don't win this time—deliver an unambiguous blow if not topple Hamas entirely—our deterrence will further erode, inviting more rocket attacks and encouraging the jihadist momentum throughout the Middle East.

And then I caught myself: How can I be hoping for an outcome that will send my son into battle? This is my first experience as the father of a soldier, and now, after 26 years of living in Israel, I finally understand the terrible responsibility of being an Israeli. I had assumed that I'd become initiated into Israeliness when I myself was drafted into the army as a 34–year-old immigrant in 1989. But perhaps only now have I become fully Israeli. Zionism promised to empower the Jews by making them responsible for their fate; the price for that achievement is to be prepared to make the ultimate sacrifice for one's commitments.

I know Gaza from a previous conflict. During the first intifada of the late 1980s, when Palestinians revolted against the occupation, I was part of a reservist unit that patrolled Gaza's refugee camps. There I learned

that there is no such thing as a benign occupation, as Israelis had once deceived themselves into believing. Our unit not only arrested terrorist suspects but also dragged people out of their beds in the middle of the night to paint over anti-Israel graffiti and rounded up innocents after a grenade attack just to ''make a presence,'' in army terminology. At night, in our tent, we argued about the wisdom of turning soldiers into policemen of a hostile civilian population that didn't want us there and which we didn't want as part of our society.

A majority of Israelis emerged from the first intifada convinced that we need to do everything possible to end the occupation and ensure that our children don't serve as enforcers of Gaza's despair. That was why I initially supported the 1993 Oslo peace process that took a terrible gamble on Yasser Arafat's supposed transformation from terrorist to peacemaker. And even after it became clear that Arafat and other Palestinian leaders never intended to accept Israel's legitimacy, I supported the unilateral withdrawal from Gaza in 2005, simply to extricate us from that region, knowing that we would not receive peace in return.

And now my son is fighting in Gaza. The conflict he and his friends confront is far worse than my generation's experience in Gaza. In our time, we were confronted with mere rocks and Molotov cocktails; my son faces Iranian-supplied anti-tank weapons—one more price we will pay, along with the missile attacks on our towns, for the Gaza withdrawal, just as the Israeli right had warned.

Still, I don't regret that withdrawal. If Israelis are united today about our right to defend ourselves against Gaza's genocidally minded regime, it is at least partly because we are fighting from our international border. My son and his friends have one crucial advantage over my generation's experience in Gaza: They know, as we did not, that Israel was ready to make the ultimate sacrifice for peace, uprooting thousands of its citizens from their homes and endorsing a Palestinian state. My son confronts Gaza knowing that its misery is now imposed by its leaders. He knows that his country was even prepared to share its most cherished national asset, Jerusalem, with its worst enemy, Arafat, for the sake of preventing this war. That empowers him with the moral self-confidence he will need to get through the coming days. The face of my Gaza enemy was a teenager throwing rocks; the face of Gavriel's Gaza enemy is a suicide bomber.

But we are hardly free of moral anxiety. Even as I pray for Gavriel's physical safety, I pray too for his spiritual well-being: that his tank doesn't accidentally shell civilians, that he isn't caught in some terrible mistake, which can so easily happen in a war zone where terrorists hide behind innocent people.

For the past eight years, Israel has fought a single war with shifting fronts, moving from suicide bombings in Jerusalem and Tel Aviv to Katyusha attacks on Israeli towns near the Lebanon border to Qassam missiles on Israeli towns near the Gaza border. That war has targeted civilians, turning the home front into the actual front. And it has transformed the nature of the conflict from a nationalist struggle over Palestinian statehood to a holy war against Jewish statehood. Except for a left-wing fringe, most Israelis recognize the conflict in Gaza as part of a larger war that has been declared against our being and that we must fight.

But how? Even some right-wingers are saying that we should have declared a unilateral cease-fire after the initial airstrike and then dared Hamas to continue shelling our towns, rather than risk another quagmire. And even some left-wingers are saying that we should now destroy the Hamas regime and then offer to turn Gaza over to international control or, if possible, an inter-Arab force led by Egypt. Every option is potentially disastrous. Most Israelis agree on two points: that we cannot live with a jihadist statelet on our border, and that we cannot become occupiers of Gaza again.

The despair of Gaza is contagious. One friend, a Likud supporter, said to me, ''I don't know what to hope for anymore.''

Meanwhile, I try to reassure myself about Gavriel's safety. Growing up in Jerusalem during the suicide bombings in the early 2000s, he has already known danger, intimacy with death. A 13-year-old acquaintance was stoned to death, and was so mutilated that he could be identified only by his DNA. A friend lost the use of an eye in a bus bombing on his way to school. At least now, Gavriel and his friends can defend themselves. Perhaps one reason most of them volunteered for combat units was because now the generation of the suicide bombings can finally fight back.

Just before the conflict in Gaza began, I happened to visit Gavriel at his base. His unit's barracks had been turned into what young Israelis call a ''zula''—a hangout. There were muddy couches, chairs without backs, a darbuka drum, a TV (Jay Leno was on). It could have been a teenage scene anywhere in the West, except that hanging on the walls were Hamas banners captured by the unit's veteran members in a previous round of fighting in Gaza. In a corner of the room hung a photograph of a fallen soldier. Across the bottom someone had written, ''What was the rush, Shachar? Why did you have to leave us so soon?''

Even now, perhaps especially now, I feel that our family is privileged to belong to the Israeli story. Gavriel, grandson of a Holocaust survivor, is part of an army defending the Jewish people in its land. This is one of those moments when our old ideals are tested anew and found to be still vital. That provides some comfort as Sarah and I wait for the next text message.

Yossi Klein Halevi is a senior fellow at the Adelson Institute for Strategic Studies of the Shalem Center in Jerusalem and the author of ''At the Entrance to the Garden of Eden: A Jew's Search for God with Christians and Muslims in the Holy Land.''

CONGRATULATING THE HAMILTON EMERALD KNIGHTS UPON WINNING THE 2008 NEW YORK STATE BOYS SOCCER CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Hamilton Central School District Emerald Knights upon winning the 2008 New York State boys soccer class D championship. This was the second state boys soccer championship team in Hamilton Central School's history, and I am proud to represent them.

On November 16, 2008, the Hamilton Emerald Knights won the New York State class D championship when they defeated the defending state champion Chazy Eagles, also from my upstate New York Congressional District, by a score of 4–3. In that game, the Emerald Knights rallied to come from behind and win after trailing the Eagles 3–0 with less than 18 minutes to play. Senior midfielder and First-Team All-State selection, Nathan Steward, tallied the Emerald Knight's first goal in the 63rd minute bending in a 30-yard shot from the right side into the top of the net. Senior midfielder Matthew Broedel cut the Knights' deficit to 3–2, netting a low shot to the far post with 8:05 left in regulation. Then, with 2:44 remaining, Nathan Steward's free kick once again found the leg of Matthew Broedel, whose second goal tied the game at 3–3. The game was finally settled only 42 seconds into the sudden death period when sophomore forward Daniel Kraynak scored the game-winner for the Knights on a pass from senior Alex Thompson. William Keever's three saves in goal and a solid defensive effort helped earn Hamilton its first State championship since 1997. Of note, Matthew Broedel was named championship MVP.

The Hamilton Emerald Knights completed the 2008 season with a record of 22–2. They were coached by Brian Latella and assistant coaches Brian Rose and Trevor Chapman; William Dowsland is the athletic director. Other team members were Alex Bowie, Bobby Dick, Phil Douchinsky, James Gorman, Blaine Holcomb, Mikey Jones, Adam MacBain, Brendon Meeks, Daniel Meeks, Jake Smith, Josh Sorosky, Jack Sullivan, Joe Taranto, Drew Thompson, Keith Upton and Tyler White. The scorekeepers were Robert Reed and Tim Noel. The managers were Lucas Ord, Brian Meeks, Ben Knect, and Ryan Tuttle. Team statisticians were Kaitlyn Askew and Alison Hansen.

Madam Speaker, it is an honor to have the opportunity to recognize the Hamilton Emerald Knights boys soccer team for their significant accomplishment.

INTRODUCTION OF THE CHARITABLE DRIVING TAX RELIEF ACT OF 2009

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. PETRI. Madam Speaker, today, I am introducing the Charitable Driving Tax Relief Act of 2009 to remove a serious ''disincentive that limits the participation of many in charitable activities. Charitable organizations play an important role in our society, and it is important that Congress not stand in the way by penalizing those who wish to offer their services to these groups.

Under current law, individuals that volunteer their time and energy by driving their personal vehicles on behalf of a charitable group can end up with an unpleasant surprise in the form of an unanticipated tax bill. Specifically, volunteer drivers receiving reimbursement for the use of their vehicle are taxed on these payments to the extent that they exceed 14 cents per mile. This treatment stands in stark contrast to the 55 cent allowance for reimbursement for the business use of that same vehicle.

The Charitable Driving Tax Relief Act will equalize the tax treatment of charitable reimbursements with those received for business driving because the point of the payment is essentially the same, that is, to cover the cost

of operating a personal vehicle while performing an important service in the pursuit of a greater good.

To achieve this end, my legislation would exclude from gross income any reimbursement received for the use of a volunteer's car while assisting a charitable group, limited only by the cap the Internal Revenue Service sets each year regarding business driving. This treatment would be available only for services provided without compensation and drivers would be required to maintain sufficient records to substantiate the charitable use of their vehicles. Finally, this bill drops the requirement that charitable groups report these reimbursements to the IRS, removing an administrative and paperwork burden that detracts resources from their larger purpose.

Each day, thousands of Americans lend a hand in providing transportation services to a multitude of organizations engaged in good works. These activities include assisting individuals with their routine grocery shopping, providing the use of a four-wheel drive vehicle to transport home-visit nurses during inclement weather, delivering meals as part of a holiday food drive, helping individuals to keep their medical appointments, and many more similar activities.

These volunteer drivers are donating their time and their talents, not their vehicles, and accepting reimbursement for the use of that car, incidental to their time and talent donation, is a reasonable act, which should not result in an additional tax liability. Today, when it comes to driving a personal vehicle, our tax code makes a distinction between business and charitable uses. This distinction is a mistake; it is a serious disincentive to charitable activities, and it should be corrected. I encourage my colleagues to support the continued efforts of our charity-minded constituents by cosponsoring the Charitable Driving Tax Relief Act of 2009.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 2, Children's Health Insurance Program Reauthorization Act of 2009. This bill will ensure that health coverage continues for the 7 million children currently covered under the Children's Health Insurance Program, and will extend coverage to an additional 4 million children who are currently uninsured. Without the legislation, the CHIP would end on March 31, 2009.

CHIP provides health care coverage for children in families that earn too much to qualify for Medicaid, but not enough to afford private insurance. In 2007, more than 240,000 children in North Carolina received health coverage through North Carolina's CHIP, NC Health Choice for Children. Under the legislation, North Carolina's allotment would increase by 81 percent over the current level from $136 million to $245 million. North Carolina has 296,000 uninsured children, the sixth-largest number in the country. Two-thirds of uninsured children in North Carolina live in a home where at least one parent works full time.

As North Carolina's former Superintendent of Public Instruction, I have seen first hand that healthy children are better prepared for learning and success. The Children's Health Insurance Program ensures that America's children are as healthy and productive as possible and that they can grow up to fulfill their potential. Untreated illnesses can have long-term consequences, and access to health care can head off expensive treatments down the road. As a Nation, we must protect our most vulnerable citizens.

I still regret that the bill will be funded by a tobacco-tax increase. The tax in H.R. 2 falls disproportionately on North Carolina, and on the Second District in particular. I understand the burden this will place on farmers who work hard to build a better life for their own children, and I will continue to work to support these families as they adjust to transformations in the global economy. However, with one out of eight children in North Carolina lacking health insurance I will vote for this legislation.

Madam Speaker, I urge my colleagues to join me in voting for the children of America's working families.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise today in strong, unwavering, and steadfast support of the reauthorization of SCHIP to provide healthcare for millions of uninsured children. SCHIP is a critical safety net for children. As Chief Justice Thurgood Marshall once said, ''The measure of a country's greatness is its ability to retain compassion in times of crisis.'' Providing healthcare for low-income children, especially during this economic crisis, reflects a commitment to the least among us as well as sound economic policy. A healthy child is prepared for school and life. A healthy child does not require costly emergency room visits. I applaud House leaders for including mental health parity and dental coverage for children.

In Fiscal Year 2007, SCHIP provided health care to over 345,000 children in Illinois. Unfortunately, due to overwhelming need, Illinois faced a shortfall in federal spending last year. This bill does much to address this gap. Specifically, in addition to preserving coverage for the 7 million children currently in the program, this bill expands coverage to another 4 million children in need.

I want to briefly mention the efforts of Chicago Public Schools in helping low income families overcome many of the barriers that often prevent them from enrolling in SCHIP. The Children and Family Benefits Unit assisted approximately 60 schools in a recent 12 month period, helping over 4,200 families' complete applications to enroll into the Illinois CHIP, including Medicaid. I am proud of this effort in Chicago, and I am pleased that this bill will continue to support such programs.

In closing, this bill will provide much-needed health care for low-income children in Chicago, Illinois, and the nation, and I look forward to this bill being signed into law in the near future.

THE IRAQI REFUGEE AND INTERNALLY DISPLACED PERSONS HUMANITARIAN ASSISTANCE, RESETTLEMENT, AND SECURITY ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. HASTINGS of Florida, Madam Speaker, I rise today with my good friend and colleague, Congressman JOHN DINGELL and almost 15 original cosponsors in strong support of the Iraqi Refugee and Internally Displaced Persons Humanitarian Assistance, Resettlement, and Security Act of 2009, a bill which I am reintroducing for the 1st Session of the 111th Congress.

The comprehensive legislation I am introducing today addresses this crisis and the potential security break-down resulting from the mass influx of Iraqi refugees into neighboring countries and the growing internally displaced population in Iraq, and also facilitates the resettlement of Iraqis at risk.

The plight of Iraqi refugees and IDP's is worsening by the day. It is heartbreaking to hear the stories of families who fled for their safety, are now unable to work and have subsequently depleted their savings in order to survive.

I believe that the United States has a moral obligation to take the lead and provide a 'humanitarian surge' in responding to this crisis. The future of the Middle East depends on it.

I would like to thank Congressman DINGELL for his continued leadership in the House of Representatives on this issue and for his help in drafting this legislation as well as the other original co-sponsors supporting this bill. As I have said on many occasions, this must not be a partisan issue, but rather Congress and the Administration have an obligation to work together before the Iraqi refugee crisis further destabilizes the region.

I urge my colleagues to support this important legislation, which will provide much needed relief for Iraqi refugees and IDP's. I call on the leadership of the House to support this bill.

REMEMBERING MAJOR JOHN P. PRYOR, MD

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. ADLER of New Jersey. Madam Speaker, on Christmas Day, 2008, an enemy mortar round struck the living quarters of Major John P. Pryor, MD, in Mosul, Iraq where he was stationed while on his second tour of duty as an Army Reservist. Major Pryor died of his wounds.

Major Pryor was widely recognized as one of our country's finest trauma surgeons. On the battlefield, he fought to save the lives of

countless soldiers and Marines. Here at home, he served just as valiantly in his capacity as the director of the trauma department at the Hospital of the University of Pennsylvania. Throughout his life, Major Pryor demonstrated an uncommon commitment to our community and our country. On 9/11, he hitched a ride to New York City in an ambulance so that he could lend a hand in one of our greatest hours of need. Shortly thereafter, when America went to war, he volunteered for military service because he felt a patriotic duty to heal wounded soldiers. Time and again, Major Pryor was there when we needed him most.

Major Pryor's absence has been deeply felt by his family, his fellow soldiers, the HUP community, and by all those whose lives he touched. Across our country, we share their grief.

Soldiers like Major Pryor remind us that the price of war cannot be measured just in dollars, or in territory, or even in the number of our patriots who never return home. It must also be measured with the valor, the potential, and the devotion of those we have lost. Within our military are heroism and courage beyond measure, and while the presence of these heroes makes our Nation stronger, the loss of any servicemember is all the more painful, for when they give their lives, the promise of their lives is lost as well.

We give thanks for the life of John Pryor. We mourn his loss. We offer our prayers to his family.

CHAMPION FOR CHILDREN AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. MCCOLLUM. Madam Speaker, it was my honor today to be recognized by Global Action for Children with the Champion for Children Award. Launched in 2003, the Global Action for Children is a nonpartisan, results-oriented coalition dedicated to advocating for orphans and highly vulnerable children in the developing world. I intended to give the following remarks, but was unable to do so due to Congressional business. I would like to enter my remarks for this event into the CONGRESSIONAL RECORD.

COMMENTS ON THE CHAMPION FOR CHILDREN AWARD

Good afternoon.

It is an honor to receive this award from Global Action for Children. Long after I am gone from Washington, if there is one thing people say about me, I hope it is ''she was a champion for children.''

I would like to thank Jennifer Delaney for all of her work and for the hard work of her staff. I first worked with Jennifer in 2003 on the original PEPFAR bill to secure funding for AIDS orphans and vulnerable children. Jennifer's dedication and commitment to fight for children around the world—and to build the partnerships necessary to be successful—is an inspiration. She is a tremendous resource for Members' offices and I am very proud to be here with her today.

I would also like to congratulate my colleagues from the Senate—Senators Lugar and Dodd—on their awards today. Their commitment to children is well known and I look forward to working with them in the 111th Congress to make the needs of our planet's next generation a priority domestic and foreign policy issue.

I came to Congress eight years ago. During my time as in the U.S. House there have 80 million newborns and young children around the world have died from mostly preventable or easily treatable diseases—80 million children.

Four million mothers have died from pregnancy related causes, most of which could have been averted with access to basic healthcare.

Nearly 10 million more children will needlessly die across this planet from malnutrition, dirty water, treatable infections, and global apathy. This is a tragedy of enormous proportions that we can help to stop—we MUST help to stop.

For all the mothers and fathers in the room today, do you think a mother or father in Bangladesh, Zambia or Guatemala loves their newborn or toddler less than we love our children?

Every parent loves their children and wants them not only to survive but thrive and succeed.

In the 111th Congress, let us work together—policy makers, global health advocates and citizens—to make the policy improvements and funding investments to save the lives of millions more newborns, children and mothers.

Let us work to make child survival and maternal health the global health priority of this Congress.

As President-elect Obama looks at the foreign policy landscape there needs to be some major reforms in the manner in which development assistance is delivered.

We need a new comprehensive strategy and the tools to execute that strategy. We need to invest the hard earned tax dollars of our citizens in building a better world—a safer world—a more peaceful world. And, we need to see outcomes for our investments that can be demonstrated.

Here is an investment idea and an outcome I'd like to see this Congress act upon: How about investing a billion dollars to save the lives of a million newborns and children? Do you think the American people would support a billion dollar investment that saved a million young lives?

I think they would.

Congress, working hand-in-hand with the Obama Administration, needs to refocus our strategy for development assistance to focus on the basics. In addition to focusing on child survival and maternal health, we need to increase investment in agriculture development to reduce malnutrition, increase family incomes and reduce the demand for emergency food aid.

Let us help to expand access to clean water, preventing water born illnesses.

We must maintain our commitment to fighting HIV/AIDS while not backing away from the need to assist orphans and vulnerable children grow up healthy, productive and safe in their communities.

Finally, we need a foreign policy that recognizes that hundreds of millions of children around the world are confronting violence, absolute poverty, hunger and lives of misery on a daily basis.

Think of the children in Gaza, in the Democratic Republic of Congo, in Zimbabwe and how they are suffering. Their lives will forever be shaped by violence. We need to work to make the world safe for children and that means aggressive, smart diplomacy that works to prevent political crisis and conflicts. If we are truly a superpower we need not simply stand by and watch the escalation of violence and suffering, we must work to prevent it.

Let start making the world safer for children by advancing a child-based development agenda—such as the emergency presidential intitiative for the world's children being proposed by Global Action for Children here today. This is exactly the type of bold commitment the United States should and can make to the world's children.

Let me conclude by speaking about commitment. Every parent knows that bringing a child into this world means a commitment until that child becomes an adult. It means meeting the child's physical needs, creating a safe environment, sharing love and protecting your child from harm. This is universal across all cultures.

A similar type of commitment on the part of states to children is embodied in the United Nations Convention on the Rights of the Child. Yet, the United States, along with Somalia, are the only two nations on the face of the Earth which have not ratified this treaty, not formalized our commitment to our own children and the world's children. This is an embarrassment that I hope is addressed by the U.S. Senate this Congress.

Every child—where ever he or she is born—is a child of God and a blessing.

Therefore, every child should be recognized as possessing the human dignity and basic human rights we all share and we all expect for our own children. If this is in fact true and you believe it, and I know you do—then we've got lots of work to do.

Thank you all for making the world's children a priority and for recognizing that their rights and their well-being are as important as our own children's.

GET AMERICA MOVING AGAIN

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. MANZULLO. Madam Speaker, today I am privileged to be joined by my good friend and co-chair of the Congressional Automotive Caucus, Representative FRED UPTON, in introducing the Get America Moving Again Act of 2009.

This bill is simple. It provides a tax credit of $5,000 for any new vehicle purchased from January 1, 2009, until December 31, 2009. In order to prevent a large drop off in new car sales next year, the tax credit would be cut in half to $2,500 starting on January 1, 2010. The tax incentive would then expire on December 31, 2010. In addition, the bill provides a tax credit of $2,000 for any late model used vehicle purchase, as defined as 3 years old or less, from January 1, 2009, until December 31, 2009 so that automobile dealers are not saddled with unsellable used cars. This tax credit would also be cut in half to $1,000 starting on January 1, 2010 and would also end on December 31, 2010. The tax credit would be limited for vehicles that cost under $50,000 and would only be allowed for households with an adjusted gross income of $250,000 or less. I am also working on a second alternative bill that will move this tax credit concept to a voucher system so that consumers can see the immediate benefit of this incentive at the point of sale of a vehicle.

Madam Speaker, I am introducing this bill today because we need to get people thinking now about ways to re-ignite consumer demand for vehicles. Our economy is in crisis today because of insufficient consumer demand for goods and services due to the fear in this country of making a significant purchase. All the economic stimulus plans that

are being discussed deal with bailing out people's mistakes or using taxpayers' dollars for public works projects and more government programs. Some also talk about the government creating ''new jobs'' but they don't understand that there are still jobs in existence and all they lack is orders from consumers.

We need something easy to understand that is considerably less expensive for the taxpayer than current proposals. We need a proposal that will begin to restore our economy immediately by providing a significant incentive to purchase the second largest purchase a typical consumer will make in their lifetime (after housing) in order to help jump-start the economy.

First, in 2007, about 17 million new vehicles were sold in America. A year later, only 10 million cars were sold. This represents a net loss of 7 million cars. At an average price of $25,000, this loss of new car sales translated into $175 billion that was directly removed from the economy in 2008. If we can get back to selling 15 million cars, that would add about $125 billion directly into the economy. Multiplier effects of between 3 to 7 percent could increase the U.S. economic benefit of selling 5 million more cars up to $900 billion.

Second, when cars and trucks start selling, it moves inventory from factory lots and dealers showrooms. It pays salaries of all the vehicle assembly workers, dealers, and employees. It replenishes local and state sales tax receipts. It restarts manufacturing and supply chains and the economy begins to boom again because vehicles are the second biggest consumer item (after housing).

Third, by offering a tax credit of $5,000 for the purchase of a new car or truck, an individual could buy, for example, a new Chrysler Jeep Patriot (assembled in Belvidere, Illinois, which I am proud to represent) for less than $15,000 or around $200 a month for 5 years. This incentive is large enough to encourage consumers on the fence to make the decision this year to buy a car.

Fourth, we need to implement this tax incentive immediately while people who still have jobs are able to buy a new car.

We will continue to lose jobs until items are again purchased. Common sense and sound economics have given way to ''I want my fair share of the stimulus'' mentality. No one is thinking about the massive inflation and the higher taxes that will eventually be necessary to pay for the current stimulus and bailout proposals. Many are unfortunately focused on the pre-eminence of ''the government is the only answer'' doctrine. There is little regard for restarting our economy from the bottom up.

While government cannot be the answer, it can be part of the solution. We can do things now that will drastically alter the negative course we are on. Thus, I urge my colleagues to join Rep. UPTON and me in co-sponsoring the Get America Moving Again Act of 2009.

IN HONOR OF THE 2008 LAWRENCE CENTRAL HIGH SCHOOL MARCHING BAND

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize the Lawrence Central High School Marching Band, whose 2008 success catapulted them forward as one of our nation's top high school marching bands.

With hours of dedicated practice, the band developed a musical expertise and performance ability that led them to their first Indiana State Championship since 2000. Following this victory, they were invited to participate in the Bands of America Grand Nationals where they placed third.

Lawrence Central's amazing season culminated with an invitation to the prestigious Annual Fiesta Bowl and Blue Cross/Blue Shield National Band Competition. Competing against the nation's best bands, Lawrence Central was crowned Grand Master Champion, the highest award available.

The band's achievements would not have been possible without the highest quality band staff. Directors of Bands Randy Greenwell and Matthew James and their staff all served as excellent teachers and mentors to their band members. Additionally, all the Lawrence Central fans, and in particular the spirited student body, should be recognized for their enthusiastic support.

I offer my sincere congratulations to the Lawrence Central Marching Band, their band staff, classmates and parents on their incredible success in 2008.

A TRIBUTE TO GWEN REGALIA, MAYOR OF WALNUT CREEK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in honoring Gwen Regalia for her many accomplishments and contributions to the city of Walnut Creek.

Gwen Regalia has provided remarkable leadership as a member of the Walnut Creek City Council since 1987. As Mayor of Walnut Creek, Gwen served for an unprecedented five terms and my congressional district has been greatly enhanced by over two decades of her service. Now, as Gwen retires from public office it is my great privilege to pay tribute to her work in the CONGRESSIONAL RECORD.

Gwen's career began upon her graduation from the University of California at Berkeley. She began teaching elementary school when she moved to Walnut Creek in 1958 and now holds a Life Credential in Elementary Education. Gwen's political career began in 1978 when she ran for the Walnut Creek School District board and served for almost ten years; she also served as president for two of those years.

In 1987 Gwen was elected to the City Council, but her duties did not stop at the Walnut Creek boarder. While in office she also served as President of the Kennedy-King Memorial College Scholarship Fund, she was president and former director of the Diablo Valley Foundation for the environment, she is a forty-year member of the American Association of University Women, member of the League of Women Voters of Diablo Valley, Diablo Regional Arts Association member, as well as other local cultural organizations.

Under Gwen's leadership in the City Council several capital projects were completed, including the Lesher Center for the Arts, the Shadelands Art Center, the Iron Horse Trail Bridge, two gyms, five parks and seven ball fields, as well as the acquisition of 305 acres of open space.

Gwen Regalia's twenty-one years of public service is an example to us all, and we are lucky to have her vision and her commitment to the citizens of Walnut Creek. It is my honor to recognize Gwen Regalia as she retires from public service and I wish her success and happiness in her future endeavors.

IN HONOR OF SECRETARY VALERIE A. WOODRUFF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Valerie Woodruff, Delaware's Secretary of Education. Val will retire this year after a 44 year career in public education and serving the state of Delaware for over 30 years.

During her term as Secretary, Val led the implementation of Delaware's accountability system and worked with Congress and the U.S. Department of Education to implement the federal No Child Left Behind Act in Delaware.

Although Val's work in public education began long before her service in Delaware, Val has had a huge positive impact on Delaware's education system. Val led the development of the first school-based Wellness Center in Delaware that has served as a model for additional Delaware schools. Val served as a Thomson Fellow for the Coalition of Essential States, where she participated in, and conducted workshops in her capacity and was selected as Delaware's Principal of the Year in 1990. Val also serves as a member of several boards including the Delaware Workforce Investment Board and its Youth Council and the State Chamber of Commerce Partnership.

Additionally, Val represents Delaware on the Southern Regional Education Board, serves on the Executive Committee of the Southern Regional Education Board, and is the first K–12 educator to serve as Vice Chair. She also served as President of the Council of Chief State School Officers from November 2005 to November 2006.

Val was born in Steubenville, Ohio and grew up in West Virginia. She attended Alderson Broaddus College in Philippi, West Virginia and graduated in 1966 with a Bachelor of Arts degree in Secondary Education in English and Social Studies. In 1971, Val began her work in Delaware and received her Master of Education degree in Guidance and Counseling from the University of Delaware in Newark, Delaware.

I would like to thank Val for her many years of service and her focus on developing quality teachers and school leaders, as well as the importance of providing an excellent educational experience to all children in Delaware. Val's work has resulted in improved student achievement and positive recognition of Delaware public education.

INTRODUCTION OF H.R. 553: THE REDUCING OVER-CLASSIFICATION ACT OF 2009

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Ms. HARMAN. Madam Speaker, America's first preventers will face an enormous challenge next Tuesday. They must protect key members of this and the next Administration—especially the first families—and manage crowds of millions for the largest American Presidential Inauguration to date, working seamlessly with federal counterparts to do so.

Unprecedented efforts will be made to share information—especially information about threats. Information sharing was a huge problem leading up to 9/11, and 7 years later, we still have work to do.

When the Inauguration is over, local law enforcement shouldn't have to return to business-as-usual—where it is still difficult to get accurate, actionable, and timely information about threats and tactics to police officers in the field.

Though hard to believe, sheriffs and police chiefs can't readily access the information they need to prevent or disrupt a potential terrorist attack because those at the federal level resist sharing information. Over-classification and pseudo-classification—stamping with any number of sensitive but unclassified markings—remain rampant.

Protecting sources and methods is the only valid reason to refuse to share information. It is no exaggeration that people die and our ability to monitor certain targets can be compromised, if sources and methods are revealed.

But classifying information for the wrong reasons—to protect turf or to avoid embarrassment—is wrong. During my 8 years on the House Intelligence Committee, I became incredibly frustrated with this practice—which the Bush Administration elevated to an artform.

And, sadly, the practice has spread to our newest federal agency: the Department of Homeland Security.

Madam Speaker, the next attack in the United States will not be stopped because a bureaucrat in Washington, DC found out about it in advance. It will be the cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack.

H.R. 553, the Reducing Over-Classification Act, and which passed the House unanimously in the 110th Congress, is an attempt to establish a gold standard at DHS when it comes to classification practices.

It requires that all classified intelligence products created at the Department be simultaneously created in a standard unclassified format if such a product would help local law enforcement keep us safe. This is unprecedented.

Furthermore, the bill requires portion marking—the identification of paragraphs in a document that are classified—permitting the remainder of the document to remain unclassified.

The measure will promote accountability by requiring the DHS Inspector General to sample randomly classified intelligence products and identify problems that exist in those samples.

It also directs the Secretary to develop a plan to track electronically how and where information classified by DHS is disseminated so that misuse can be prevented.

Finally, the legislation requires the Secretary to establish extensive annual training on the proper use of the classification regime, and penalties for staff who repeatedly fail to comply with applicable classification policies.

A key to homeland security is personal preparedness. A prepared public is not likely to be terrorized. Access to important non-classified information is essential to ensure preparedness, and this bill protects the public's right to know. It enjoys support by privacy and civil liberty groups.

Madam Speaker, on behalf of first preventers and first responders everywhere, I urge passage of this essential bipartisan legislation, and its prompt consideration in the Senate.

SCHOOL BUILDING ENHANCEMENT ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. HOLT. Madam Speaker, I rise today to introduce the School Building Enhancement Act, legislation that would help schools implement energy saving measures to reduce their energy costs.

According to the Department of Energy, DOE schools spent over $8 billion on energy in 2007—$2 billion more than they spent just two years earlier. Sky-rocketing energy costs have forced schools to spend more annually on heating and electricity than they spend on textbooks and computers combined. Energy is the second-highest operating expenditure for schools after personnel costs. Schools across the country are already facing tight budgets; rising energy costs will only worsen their budget situation and could lead to the loss of important school programs.

Fortunately, there are ways for schools to offset the soaring price of energy. According to the Environmental Protection Agency, EPA, 30 percent of energy consumed in buildings is used unnecessarily or inefficiently. By understanding where energy is used unwisely and implementing simple changes in the operations and maintenance of school buildings, a school's operating costs can be reduced by 5 to 25 percent. Schools that are seeking even greater long-term savings can retrofit their buildings with more efficient systems and replace old appliances. The $2 billion saved could be used for purchases that directly benefit our nation's students—such as hiring 30,000 new teachers or purchasing 40 million additional textbooks.

However, cash-strapped school systems often are unable to find the necessary financial resources to invest in these energy efficient upgrades. The School Building Enhancement Act would assist schools in making these improvements by providing grants to states and local educational agencies through the Department of Education for energy efficiency upgrades. These improvements would need to follow the guidelines of the EnergySmart Schools Program of the Department of Energy or the Energy Star for K–12 School Districts program at the Environmental Protection Agency.

If enacted, the School Building Enhancement Act would provide the needed funding for schools in my home state of New Jersey, and throughout the country, to implement energy efficiency measures that would help schools save thousands of dollars annually.

Schools that already have implemented energy efficiency measures have succeeded in achieving significant savings. For example, the Summerfield Elementary School in my home state of New Jersey has implemented energy efficiency measures that have reduced their consumption by 32 percent, allowing Summerfield to save $41,000 annually on energy costs. Summerfield is just one of many schools that are being built to use energy smarter and more efficiently. According to the EPA more than 800 schools have been Energy Star certified, saving an average of 40 cents per square foot in operating costs annually.

Twenty-five of my colleagues have joined me in introducing this important legislation to help cash-strapped schools achieve significant savings on their energy costs and protect the environment. I urge my colleagues to support the School Building Enhancement Act.

INTRODUCING THE SAVE OUR CLIMATE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. STARK. Madam Speaker, I rise today with my colleague JIM MCDERMOTT to reintroduce the Save Our Climate Act, a bill to place a tax on carbon. A carbon tax is the most straightforward and efficient way to end our addiction to fossil fuels and confront global climate change.

While I have introduced this proposal in years past, I am more confident than ever that the time for action has arrived. We have a President-elect who consistently acknowledges that our planet is in peril. The upcoming economic recovery package will focus on creating "green jobs" and investing in clean energy.

The best solution is to place a tax on what we want to reduce—pollution; and to put that revenue into what we want to increase—work, income, and investment in new technology. A carbon tax is the best way to do that.

Under the Save Our Climate Act, carbon based fuels—coal, petroleum and natural gas—are taxed at a rate of $10 per ton of carbon content. The tax will increase by $10 per ton of carbon every year, making it less affordable to burn fossil fuels as time goes on. When the United States reaches the International Panel on Climate Change's standard of reducing CO_2 emissions by 80 percent, the tax will be frozen.

A tax provides certainty for businesses, as they will know what the level of tax will be from year to year and can make adjustments in their business plans. This legislation is also simple to administer and will require no new bureaucracy to implement. For these reasons, the Congressional Budget Office, CBO, concluded last year that a carbon tax is the most

economically efficient policy for reducing carbon dioxide emissions.

This bill does not prescribe how the revenue will be spent, but it is appropriate that we consider relief for low- and middle-income consumers who may face modestly higher energy costs, and investments in alternative energy sources, health care, and education.

The Save Our Climate Act will generate a small energy price increase each year, equal to about 2 cents per gallon of gas annually. Consumers over the past year have endured increases 100 times that. The only difference is that the increase in price went to overseas coffers, not to build our transportation networks, provide relief for workers, and health care for our citizens. As the tax rate increases, fossil fuel prices will increase. Producers will have an incentive to invest in cleaner alternative energies, and those alternative energy sources will become more competitive.

For businesses, the carbon tax is direct, creates price certainty, and signals that it is time to take bold action and invest in business models that utilize low pollution technology. Even the CEO of Exxon commented last week calling a carbon tax a ''direct and transparent approach.'' I don't normally find myself on the same side as the oil companies, but in this case, I agree. The Save Our Climate Act is a first step toward a sensible tax code that incentivizes innovation and rewards responsibility. I encourage all to support it.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. SHERMAN. Madam Speaker, yesterday, I was unable to make a number of votes because I was at the hospital with my wife for the delivery of our first child. I am pleased to announce that we had a healthy, beautiful baby girl named Molly Hannah.

Had I been present I would have voted: ''yea'' on rollcall No. 14; ''nay'' on rollcall No. 15; ''yea'' on rollcall No. 16 in support of H.R. 2, the bill to extend and improve the Children's Health Insurance Program, of which I was proud to be an original cosponsor; ''yea'' on rollcall No. 17, which allowed the House to proceed with a bill improving the TARP program; and ''yea'' on rollcall No. 18.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. SULLIVAN. Madam Speaker, I missed rollcall vote 16 to H.R. 2 taken on January 14, 2009, and had I been present for this vote, I would have voted ''nay.''

I am opposed to H.R. 2 because I believe this legislation is one more step toward forcing Americans into a Washington controlled, one-size-fits-all health care system by creating another fiscally irresponsible entitlement to be supported by American taxpayers. Also, an expansion of SCHIP should not encourage people to drop their private coverage in order to get free or subsidized public health care coverage.

INTRODUCTION OF THE SUPERFUND REINVESTMENT ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. BLUMENAUER. Madam Speaker, today I am introducing the ''Superfund Reinvestment Act,'' which would reauthorize the corporate taxes that fund the Superfund trust fund. This bill will reestablish the polluter pays principle and our commitment to cleaning up the Nation's most hazardous sites.

The Environmental Protection Agency's, EPA, Superfund program was created in 1980 to provide money to clean up the nation's worst hazardous waste sites where the party responsible for polluting was out of business or could not be identified. Before they expired in 1995, the money for the Superfund trust fund came mainly from taxes on the polluters themselves. The program has contributed to the cleanup of over 1000 sites around the country. Because Congress has not reauthorized the taxes, the burden of funding cleanups of toxic waste sites now falls on the shoulders of taxpaying Americans. Reauthorizing the Superfund tax would ensure that polluters—not the American public—pay to restore public health.

Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards, playgrounds, and streets. Communities impacted by these sites can face restrictions on water use, gardening and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, residents of these communities can face health problems such as cardiac impacts, infertility, low birth weight, birth defects, leukemia, and respiratory difficulties.

Until they expired in 1995, the superfund taxes generated around $1.7 billion a year to clean up these hazardous areas. The ''Superfund Reinvestment Act'' would simply reinstate the taxes as they were before they expired. This will provide a stable source of funding to continue cleaning up sites around the country as well as give the EPA the tools it needs to clean up sites and then recover the costs from liable parties who do not undertake the work themselves.

I urge my colleagues to join me in working to strengthen the Superfund program and ensure that it continues to help keep our communities and our families safe, healthy, and economically secure.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2009

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 13, 2009

Ms. McCOLLUM. Mr. Speaker, as a Co-chair of the Congressional Mentoring Caucus, I rise today in strong support of H. Res. 41, supporting the goals and ideals of National Mentoring Month.

A mentor by definition means a trusted friend or guide. Mentoring relationships between adults and youths are very important, especially because of the focus on the needs of our young people. Caring parents, teachers, counselors, and religious leaders are all mentors, and are in a position to positively influence a child's present and future.

We all have an important role to play in improving the lives of children in our communities—after all, it takes a village. Our youth are yearning for guidance and direction from caring adults and mentoring enables everyday Americans to make a difference and help children grow up to become responsible and productive citizens and meet their full potential. A study by Big Brothers Big Sisters showed mentored youth are 46 percent less likely to begin using illegal drugs, 53 percent less likely to skip school, and 33 percent less likely to get in fights.

National Mentoring Month was conceived as a means to recruit mentors and help close the mentoring gap. Last year, more than 375,000 individuals sought information about local mentoring programs that need more volunteers.

I am proud to announce Joellen Gonder-Spacek, executive director of the Mentoring Partnership of Minnesota, MPM, has been honored with the Manza Excellence in Leadership Award by MENTOR/National Mentoring Partnership. She was recognized for her leadership and commitment to service through MPM's community initiative to promote mentoring for at risk youth in Minnesota. This program has made significant improvements in the lives of children and, over the past 14 years, MPM has become a mentoring leader in the State and the Nation.

I encourage all of my colleagues to support this resolution and to look for opportunities to be mentors as well.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 14, 2009

Mr. HOLT. Madam Speaker, I voted yesterday in support of our Nation's children and for passage of the Children's Health Insurance Program Reauthorization Act of 2009, H.R. 2.

More than 7.1 million children have health insurance because of the creation, a decade ago, of the State Children's Health Insurance Program, SCHIP. However, these children will lose access to good, affordable health insurance if Congress does not act to reauthorize the SCHIP program by March 31, 2009.

Yesterday, the House approved the Children's Health Insurance Program Reauthorization Act of 2009, which would expand the SCHIP program to ensure even more children have access to the health care their parents cannot afford or who work in jobs that do not provide health care benefits. The House of Representatives has passed similar legislation twice before to extend and expand SCHIP,

only to have those bills vetoed by President Bush. I hope that on the third consideration of this legislation to improve children's health that this bill will be signed into law.

The expansion of this program is even more important today as many workers are losing their health insurance and face great economic hardships during the recent recession. The Kaiser Family Foundation projects that the current unemployment level of 7 percent would increase Medicaid and SCHIP enrollment by 2.4 million people and an additional 2.6 million people would become uninsured. The number of uninsured will rise higher should the unemployment rates climb even further. This legislation would reduce the size of this uninsured population by expanding SCHIP to include an additional 4 million children who currently have no health insurance. Sending a child to the emergency room is not an alternative to having comprehensive health insurance. Especially at a time when millions of families are facing economic hardships, we must ensure that children have the care they need.

This bill would provide parity for mental health for children. I long have fought for mental health parity, and was pleased that last year we could improve mental health coverage for private insurance plans and Medicare. I am encouraged that we have now extended this to the SCHIP program.

According to the Henry J. Kaiser Family Foundation, more than 45 million Americans lack health care coverage, including more than 16 percent of New Jersey's residents. Many of these Americans are children, the vast majority of whom come from working families. It is simply unconscionable that here in the United States of America millions of children are uninsured. The reauthorization and expansion of the SCHIP program presents an historic opportunity to put an end to the morally unacceptable fact that 8.6 million American children live every day without insurance. It is time for Congress to preserve and expand this program that has proven successful at insuring our nation's most vulnerable children.

The SCHIP program is strongly supported by our nation's governors who have managed the State-run programs over the past decade and understand that SCHIP allows States to cover low-income children who lack health insurance in families of the working poor. This bill also would provide the tools needed and create incentives for States to reach the millions of children who are eligible but not currently enrolled in the SCHIP program.

New Jersey uses its SCHIP funds to run a program called FamilyCare. Our State is a leader in extending FamilyCare eligibility. Currently, 150,000 children and approximately 100,000 low income-parents are enrolled in New Jersey's program. Without SCHIP, all of these residents of New Jersey would again be uninsured.

This legislation would allow States like New Jersey to continue to set income eligibility for SCHIP. Because the cost of living is so high in New Jersey, it is important that our State has the flexibility needed to establish realistic eligibility guidelines.

Additionally, this bill would allow New Jersey to continue to enroll parents along with their children. According to research by the Institute of Medicine of the National Academies of Sciences, one highly effective way of boosting coverage among low-income children is to broaden health insurance to their parents. Currently, New Jersey is one of 11 States to cover low-income parents.

Because we are committed to balanced budgets and opposed to deficit spending, this bill pays for this historic commitment to our children with an appropriate increase in the Federal tobacco tax and by imposing restrictions on self-referral to physician-owned hospitals. According to the Campaign for Tobacco-free Kids, the 61 cent-per-pack increase in the cigarette tax that is included in this bill would result in substantially fewer youth smokers, as every 10 percent increase in the price of cigarettes would reduce youth smoking by approximately 7 percent. This would improve their health and result in longterm healthcare savings.

There are 11 million reasons to vote for this bill, each one a child who will move out of the ranks of the uninsured with the health care provided in the Children's Health Insurance Program Reauthorization Act. A measure of a nation's greatness is how it treats its most vulnerable citizens. By making health insurance available for 11 million children, we live up to our moral obligation to keep children healthy and we make our society stronger.

BLACK JANUARY—JANUARY 19–20, 1990

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. COHEN. Madam Speaker, few Americans have heard the term "Black January," yet it is imbedded in the memory of all Azerbaijanis. Black January marks the evening of January 19, 1990, when at midnight 26,000 Russian troops stormed the capital city of Baku with tanks. Armed with a state of emergency declared by the U.S.S.R. Supreme Soviet Presidium and signed by then President Mikhail Gorbachev, the incursion was intended to suppress a growing independence movement. The net result was the opposite. This incident inflamed Azerbaijani nationalism and contributed to the breakup of the Soviet Union.

Leading up to Black January, the national independence movement had reached a remarkable momentum with hundreds of thousands demonstrating for independence, sovereignty and territorial integrity. Emerging democratic groups were leading the political agenda and were projected to succeed in upcoming Parliament elections in March 1990. The Soviet Union sought to "restore order" by indiscriminately firing on peaceful demonstrators in Baku, including women and children. The protesters were calling for independence from the Soviet Union and the removal of Communist officials. More than 130 people died that night and in subsequent violence, 611 were injured, 841 were arrested, and 5 went missing.

According to a report by Human Rights Watch entitled "Black January in Azerbaijan," "among the most heinous violations of human rights during the Baku incursion were the numerous attacks on medical personnel, ambulances and even hospitals." The report concluded that "indeed the violence used by the Soviet Army on the night of January 19–20 . . . constitutes an exercise in collective punishment . . . The punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in other Republics of the Soviet Union."

In the days after the invasion, thousands of Azerbaijanis surrounded Communist Party headquarters demanding the resignation of the republic's leadership. The Baku City Council demanded that Soviet troops be withdrawn. The Soviet legislature in Azerbaijan condemned the occupation as "unconstitutional" and threatened to call a referendum on secession unless Soviet troops were withdrawn within 48 hours. And, Azerbaijani oil tankers blocked Soviet naval vessels from reaching the Baku harbor.

Soviet troops were eventually withdrawn from Baku, but political control was maintained for almost another 2 years until Azerbaijan's parliament declared independence in October 1991. The Republic of Azerbaijan has maintained its independence for more than 17 years, despite lingering economic and social problems from the Soviet era and the military occupation of 20 percent of Azerbaijan by Armenia. Today, Azerbaijan has developed into a thriving country with double digit growth, in large part due to a freely elected president and parliament, free market reforms led by the energy sector, and, most importantly, no foreign troops on its soil.

While January 20 has been inauguration day in the United States every 4 years since 1937, in Azerbaijan it is the day on which Azerbaijani citizens stood up to Soviet equipment and martyrs gave up their lives for freedom from communism and dictatorship. Indeed, January 20, 1990, in Baku, Azerbaijan, the fate of the Soviet empire was sealed.

THE SAFE COMMISSION: LETTERS TO TREASURY SECRETARY PAULSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. WOLF. Madam Speaker, I continue to be deeply concerned about America's mounting deficit spending and Federal debt and have been working for the past several years to engage this administration in embracing a bipartisan plan to reverse course and get our country on a sound and sustainable financial path.

I introduced the SAFE Commission concept for the first time during the 109th Congress on June 7, 2006. In the 110th Congress I teamed with JIM COOPER, and we introduced the bipartisan SAFE Commission legislation again. A similar Senate effort was led by Budget Chairman KENT CONRAD and ranking member JUDD GREGG.

Following the SAFE bill's introduction, I reached out to Treasury Secretary Paulson about getting our fiscal house through more than a dozen letters from July 12, 2007, to April 10, 2008, updating the administration on progress that was being made with the bill. I submit for the RECORD a sample of that correspondence.

I have been encouraged with the growing support for the SAFE proposal from leading newspaper editorials to think tanks to syndicated columnists to business organizations. I

remain deeply disappointed that this idea was not embraced by Secretary Paulson. I hope that the Obama administration will understand the urgency for bipartisan action to address this nation's long-term budget challenges, especially as we deal with the current financial crisis, for the sake of our children and grandchildren.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: As you know, Senator VOINOVICH and I reintroduced the Securing America's Future Economy (SAFE) Commission Act in January. I wanted to follow up with you and share the enclosed letter I wrote to the president asking that the administration embrace this idea.

I think about our children and grandchildren and it is disheartening that critical issues are falling by the wayside because Congress today is so polarized. I believe that a bipartisan commission operating outside the halls of Congress that would mandate action is the answer to getting our fiscal house in order and diverting financial crisis in this country.

The SAFE Commission bill has 32 cosponsors to date. I am committed to continue working with my colleagues to enact this legislation on a matter of such importance to our nation's future.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: I read your recent comments about reaching the statutory debt limit as early as October. I have always voted for the limit increase but am seriously considering voting against it this year because of the lack of leadership by the administration in taking steps to change the country's current financial path. I truly believe that this administration has the ability to change our course.

I am not writing to you today as a Republican or a Democrat, but as a father and grandfather. Lawmakers on both sides of the aisle understand the enormity of this issue and the impact that will be felt for generations to come. It's disheartening that the partisan political divide in Congress is so consuming that issues with such high stakes continue to languish.

That's why I have introduced the Securing America's Future Economy (SAFE) Commission Act, which would establish a bipartisan commission and put everything—entitlement, tax policy, and other federal spending—on the table for review.

This administration can offer hope and start to remedy our fiscal prognosis, brightening the horizon for our children and their children. It is critical that they have all the opportunities the Greatest Generation made possible for you and me. Our grandchildren should set ambitious goals, and believe that hard work will be met by opportunity.

We have a moral obligation to address the long-term fiscal challenges ahead.

I know you are a good person and want what is best for America. With your leadership and vision, progress can be made.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Just wanted to update you on the SAFE Commission legislation since I reintroduced the bill with Jim Cooper three weeks ago.

The measure has gained bipartisan support with over 40 cosponsors—split evenly between Democrats and Republicans from members of the Republican Study Committee to three of the four Blue Dog Coalition co-chairs I believe that support for this measure will continue to grow.

You may have read that the first baby boomer signed up for promised Social Security benefits last week. Our nation's ''long term'' deficit problem has arrived.

We should he concerned that last Monday the U.S. dollar hit an all-time low in the wake of a major housing recession and enormous trade deficits. We should care that the value of the dollar has been dropping against the Canadian dollar, the Euro and the Japanese yen.

What will it take for us to address these issues?

The SAFE Commission fits into what this administration claims to stand for and will ensure sound financial footing for generations to come. I have enclosed information on the bill since its reintroduction including a list of current cosponsors.

Please give serious consideration to the SAFE Commission Act.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2007.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury,
Washington DC.

DEAR SECRETARY PAULSON: As meritorious as the Administration's argument is with regard to the $21 billion in discretionary spending it is relatively insignificant compared to the massive entitlement spending problem. It is like comparing a mouse to an elephant.

Our SAFE Commission bill represents all that the Administration says it cares about, including more than 50 bipartisan cosponsors (see list).

Failing to address this issue is like driving a car toward the edge of a cliff with no brake pedal.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington DC.

DEAR SECRETARY PAULSON: I am deeply troubled that this Administration is missing an opportunity to do something so powerful for our children and grandchildren.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: As a follow up to our conversation last week about the SAFE Commission. I want you to know that Roy Blunt has also signed onto the bill.

The Cooper-Wolf SAFE Commission has over 50 bipartisan cosponsors including Republican leadership in the House (see enclosed).

We are waiting for the Administration to support this effort to rein in entitlement spending.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2007.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Enclosed is a letter I recently received from Ben Bernanke about our nation's fiscal imbalance, reiterating. ''. . . if early and meaningful action is not taken, the U.S. economy could be seriously weakened, with future generations bearing much of the cost.''

Your administration deserves credit for its work in the past to address the entitlement reform issue. Our parents told us that if at first you don't succeed, try, try again. I am asking that the SAFE Commission be that second try.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2008.

Hon. HENRY PAULSON,
Department of the Treasury,
Washington, DC.

DEAR SECRETARY PAULSON: Between July 19 and December 10, 2007, I wrote to you nine different times about the unsustainable financial path our country is on, and the bipartisan SAFE Commission as a potential way forward to rein in entitlement spending. I have respectfully asked for the administration's support because of the critical importance of taking action now.

I am disappointed that the administration is missing this opportunity to bring about a renaissance in America, giving hope to future generations and ensuring that our children and grandchildren can live in a world where hard work will be met by opportunity.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

SGI PRESIDENT DAISAKU IKEDA

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. JOHNSON of Georgia. Madam Speaker,

Whereas, SGI President Dr. Daisaku Ikeda visited Chicago in 1960, witnessed the discriminatory mistreatment of an African-American boy in Lincoln Park, and made a vow in his heart, "I promise you that I will build a society truly worthy of your love and pride!"; and

Whereas, this year marks 49 years of Dr. Ikeda's dedication to the peace and happiness of all humanity through peace, culture and education; and pledge to construct a peaceful world where individuals from all walks of life feel safe and secure while developing their fullest potential for the sake of their families and the greater good of society; and

Whereas, on January 19th we honor and celebrate a noble and heroic life of Martin Luther King Jr., whose legacy was to secure not

only civil rights but human moral rights for all people as expressed in his own words, ''Injustice anywhere is a threat to justice everywhere''

Whereas, 40 years after the passing of Dr. King, we witness on this day the inauguration of Barack Hussein Obama as 44th President of the United States, filled with confidence in the dream of Martin Luther King, Jr., and the prayers and efforts of countless ordinary heroes who believed that this day would one day be possible, expressed in President Obama's words, ''This is your victory!''

Whereas, in my capacity as a member of the United States Congress, I would like to acknowledge these behind the scenes efforts of one such extra-ordinary hero by recognizing, SGI President Daisaku Ikeda, as an Emissary of Peace and Justice.

HONORING SPECIAL AGENT BENJAMIN KRAMER

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. PRICE of North Carolina. Madam Speaker, the Homeland Security Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Benjamin Kramer, as he begins his next assignment as Special Agent for the U.S. Secret Service. Special Agent Kramer has proven himself to be an energetic and thoughtful contributor to the work of this Subcommittee, bringing with him the experience he has gained with the Secret Service and before that as a criminal investigator with the D.C. Inspector General.

Working as a member of my subcommittee staff, Ben helped the Subcommittee navigate what was often a frenetic path as we crafted our 2009 appropriations bill, and assisted in our work in overseeing the agencies and programs under our jurisdiction. In particular, Ben had lead staff responsibility for oversight of the Department of Homeland Security's Office of Inspector General.

Ben's unqualified professionalism, great sense of humor and cool head have helped our Subcommittee and the Congress address a wide range of policy and budgetary challenges. During his time with the Subcommittee, Ben researched issues for various programs, coordinated committee travel, and compiled materials on amendments. Ben also assisted in managing the database of requests to the Committee from Members of Congress, and in preparing for hearings and briefings. I am grateful for his hard work.

Special Agent Kramer has served me, this Subcommittee, and the House well. While we are sorry to see him leave, each of us on the Homeland Security Appropriations Subcommittee wishes Ben all the best as he resumes his Secret Service career, and expect to continue to see great things from him.

CONGRATULATING THE PINK HEALS TOUR FOR BREAST CANCER RESEARCH AND FOUNDER DAVID GRAYBILL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the Pink Heals Tour, which covered over 10,000 miles in 2008, to support the fight against breast cancer.

Breast cancer occurs in one out of every eight women in our country, and this cross-country tour in a decorated pink fire truck aimed to increase awareness of this disease and to raise funding for cancer research. In particular, this journey reached out to typically male-dominated organizations, such as police and fire departments, to encourage them to wear pink clothing in support of this cause. A second tour is scheduled to begin in the fall of 2009. The upcoming Pink Heals Tour will cross the United States in three pink fire trucks throughout September and October.

I am particularly proud, Madam Speaker, to recognize David Graybill, who founded the Pink Heals Tour to inspire citizens and community leaders to join in local breast cancer fundraising organizations and events. When I taught high school back home in Arizona, David was one of my students. So far, his efforts have had an enormous impact on his community and on millions of people across 21 states and 40 different cities.

Madam Speaker, I urge my colleagues to join me in recognizing the Pink Heals Tour and its founder, David Graybill, for their selfless work to raise awareness and support the fight against breast cancer.

HONORING THE FIRST PARISH UNITARIAN UNIVERSALIST CHURCH OF SCITUATE, MA

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the First Parish Unitarian Universalist Church of Scituate, MA on its 375th Anniversary.

The rich spiritual tradition of the First Parish Church dates all the way back to seventeenth-century London, when the Puritan separatist, the Rev. Henry Jacob, joined with others to establish the first non-Anglican church in England. In 1624, Jacob was succeeded by the Rev. John Lothrop, who led a small congregation in worshiping secretly in taverns, homes and fields. When the Bishop of London learned of their activities, Rev. Lothrop and his followers were arrested and imprisoned in the notorious jail, the Clink.

Upon his release two years later in 1634, Rev. Lothrop and a number of his congregation left England bound for Boston, thirsting for the freedom to worship that the New World promised. On January 8, 1634, Lothrop came together with 11 other men and women to officially form the First Church of Scituate. Rev. Lothrop's distinguished lineage has included U.S. Presidents, Supreme Court justices, diplomats and prominent businessmen and women.

It is fitting that the anniversary of the Church's founding falls so close to the day we honor Martin Luther King, Jr., the greatest champion of civil rights and equality our Nation has known. Under strong ministerial and lay leadership, the Church has maintained a steadfast commitment to worship, provided spiritual guidance to parishioners, and sounded a clarion call for justice and human dignity.

In colonial times, the Church's ministers and laity fought for religious tolerance on behalf of Quakers and Baptists. They spoke out against the shackles of slavery, and provided care for Union soldiers during the Civil War. During the 19th century, Church leaders advocated vociferously for the economic rights of workers. As an integral part of our community and the global public square, the First Parish Church of Scituate has left an indelible mark for generations to come.

On this momentous occasion, I congratulate the Church's current leader, Rev. Richard M. Stower, and its entire congregation. I wish them all the best for continued success in the years ahead.

EGMONT KEY CELEBRATING 150 YEARS OF ''LIGHTING THE WAY'' INTO TAMPA BAY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. YOUNG of Florida. Madam Speaker, the Tampa Bay community I represent celebrated the 150th anniversary of one of the key aids to navigation on all of Florida's west coast last November, the Egmont Key Lighthouse.

The Lighthouse has a rich history and includes being destroyed once by a major hurricane, being rebuilt and staffed by a long list of dedicated keepers, being at the center of civil war intrigue, and now being home to a national wildlife refuge. Throughout its storied history it has stood tall as the only lighthouse between Key West and the Florida Panhandle and marks the entrance to Tampa Bay, one of our Nation's busiest waterways.

Because its history is so interesting Madam Speaker, I will include, following my remarks a column from the Tampa Bay Soundings newspaper by Captain Richard Johnson, the past President of the Egmont Key Alliance. He and the members of the alliance have not only worked hard to share the history of Egmont Key and the Lighthouse, but also to preserve structures on the island. Also I will include with my remarks further information about the legacy of Egmont Key from the Web site LighthouseFriends.com.

Madam Speaker, we continue to protect Egmont Key and the lighthouse, which was added to the Register of National Historic Places in 1978, by providing Federal funds to renourish the shoreline surrounding the island and by studying a way to provide a long-term solution to protect the island's original buildings.

In the meantime, the Egmont Key Lighthouse will continue its mission to ensure the safe navigation along the Gulf of Mexico and

into Tampa Bay just as it has throughout the past 150 years. Please join me in thanking all those who have served to keep its beacon lit and who continue to serve today with President Jim Spangler and the Egmont Key Alliance to keep its history alive and its structures sound.

LIGHTING THE WAY: THE EGMONT KEY LIGHTHOUSE, TAMPA BAY SOUNDINGS

(By Captain Richard Johnson)

It has been 150 years since light keeper Sherrod Edwards first carried cans of lamp oil up the spiral staircase of the lighthouse on Egmont Key. But this magnificent beacon, rebuilt ''to withstand any storm'' after a hurricane in the late 1840s, still stands guard at the entrance to Tampa Bay, welcoming mariners and visitors.

The 71-foot-high lighthouse has been vital to the safety of commerce on Florida's west coast for more than a century. First constructed in 1848 to support commercial trade along the nation's Gulf Coast, it was the only lighthouse between the Panhandle and Key West. While guiding ships along the coast, it also marked the entrance to the increasingly important port of Tampa.

The first lighthouse was built with brick and cost $10,000. It was located about 100 feet northeast of the existing structure on the north end of the island. The keeper's house, also brick, was constructed nearby for Edwards and his family. The lighthouse was first lit in April 1848 when they moved in. Less than six months later, in September, a hurricane ravaged the lighthouse. Stories say Edwards and his family took refuge in a rowboat tied to a palm tree as water rose over the island.

With the first tower damaged beyond repair, a new, taller lighthouse—which still stands today—was constructed in 1858 for $16,000. Other buildings were added over the years. A small brick building was constructed in 1895 near the lighthouse to store lamp oil; a larger brick building erected in the 1920s housed the island's radio transmitter.

Other structures have since been torn down. Two large sheds near the bayside dock served as a depot for navigational buoys along Florida's Gulf Coast in the late 1800s. For a time, all buoys between St. Marks and Key West were maintained and stored on Egmont Key. An assistant light keeper's house was added in 1899. All that remains of that house is a cistern, which is still used today.

Over the years, numerous improvements were made to the light station and the dock was rebuilt several times. Almost every recorded annual report to the Lighthouse Board includes some reference to repairs, improvements or rebuilding, mostly to mitigate damage from storms.

The life of the lighthouse keeper was not easy. For the most part, the light keeper, his assistant and their families were the only people on the island. Bulk supplies like oil for the light were brought in just once a year, and the families raised much of their own food, while traveling by small boat to Bradenton or Tampa for other supplies.

Maintaining a lighthouse with an oil lamp required constant attention to trimming and adjusting wicks, cleaning the chimney and lenses, and washing the windows of the lantern room. While the light was bright and well-focused for an oil lamp, it was not nearly as bright as an electric light, and scrupulous attention to maintaining the cleanliness of every part of the system was necessary to ensure that the light would not be obscured. Each day they worked from dawn until about 10 a.m. just cleaning up and preparing the light for the next night's work. Curtains hung from dawn until dusk to prevent discoloration of the lens glass.

In 1939, the Coast Guard took over the lighthouse service and converted the newer light-keeper's house into a barracks for a small crew. A few years later, the lighthouse was renovated. With the upper portion of the brick tower deteriorating, the tower was trimmed several feet for stabilization, and an aircraft-style rotating beacon replaced the original oil lamp. Illumination surged from 3,000 candlepower to 175,000 candlepower, visible on a clear night from as far as 22 miles away.

But it wasn't until the late 1980s that the light was fully automated and the Coast Guard personnel reassigned. Shortly after that the Florida State Park Service joined the U.S. Fish and Wildlife Service in caring for the island's natural resources.

Through the years, a series of light keepers about whom we know very little, worked through heat and hurricane, battling mosquitoes and winter gales, to keep the Egmont light working and the station in good order. Even with modern advances in navigation, the light remains an important aid to mariners and aviators destined for Tampa Bay.

Capt. Richard Johnson, president of the Egmont Key Alliance, teaches sailing at the St. Petersburg branch of the Annapolis Sailing School. For more information on Egmont Key or the Egmont Key Alliance, call 727–867–8102.

EGMONT KEY, FLORIDA, LIGHTHOUSEFRIENDS.COM

Description: When Florida was under British control, surveyor George Gauld named the small island found at the entrance to Tampa Bay Egmont Key, after John Perceval, second Earl of Egmont and First Lord of the Admiralty. Through the years, the island has served as home to two lighthouses, a fort, a movie theater, a cemetery, boat pilots, and a radio beacon. Today, all that remains on the island is a truncated lighthouse, crumbling remains of the fort, a small colony of gopher tortoises, and a park ranger to interpret the island's history.

In 1833, the Secretary of the Treasury received multiple petitions for a lighthouse at Egmont Key to assist vessels transiting Florida's Gulf Coast between Key West and the Panhandle. However, it wasn't until after Florida achieved statehood in 1845 and its legislature petitioned Congress in December of 1846, that funds were granted for the Egmont Key Lighthouse. Francis A. Gibbons of Baltimore signed a contract with the government to provide a lighthouse and dwelling at a cost of $6,250.

The contract called for a 40-foot, brick tower, topped with an octagonal lantern that would shelter 13 lamps backed by 21-inch reflectors. The lighting apparatus was supplied by Winslow Lewis at a cost of $1,330. The St. Marks customs collector, a Mr. Walker, who oversaw the construction, recommended that ''in consequence of the heavy gales of wind in this country,'' the 34 x 20, one-story, brick dwelling should ''be placed at least 100 feet from the tower, so in case of its prostration, the house and lives would not be endangered.'' Walker also insisted that the tower be built on a foundation of driven pilings rather than on a foundation of ''dry shells and sand'' as promoted by the frugal Stephen Pleasonton, Fifth Auditor of the Treasury.

Work began on the lighthouse during the summer of 1847, and the lamps were to be lit by January 1, 1848 according to the contract. However, the supply ship Abbe Baker, which was transporting bricks from New York for the lighthouse, ran aground on Orange Key, and roughly half of the bricks had to be tossed overboard to refloat the ship. By February of 1848, the tower stood at a height of twenty feet, but work was halted until a new shipment of bricks arrived. The tower was officially certified on April 19, 1848, and shortly thereafter Sherrod Edwards, the first keeper of the Egmont Key Lighthouse, activated the light. At that time, the lighthouse was the only one between Key West and St. Marks.

On September 23, 1848 a powerful hurricane covered Egmont Key with several feet of water. Keeper Edwards and his family, according to local legend, survived the storm by seeking refuge in a small boat tethered to a Palmetto tree. Shortly thereafter, Keeper Edwards rowed his family ashore and resigned. It was likely due to Walker's pile foundation that the tower survived the storm. The lighthouse was subsequently struck by lightning, which opened cracks in the tower. In 1854, a concrete pad was poured around the base of the tower, but by 1856, it was apparent that a replacement tower was necessary.

A new tower, twice as tall as the original, was completed in 1857 near the northern end of Egmont Key, and probably ninety feet inland from the previous tower. A fixed-light produced by a third-order Fresnel lens was exhibited from a focal plane of eighty-six feet starting in 1858.

In 1861, keeper George V. Rickard found himself caught in a struggle for control of the lighthouse. The collector in Key West was loyal to the Union, while the collector at St. Marks sided with the Confederates. Rickard feigned allegiance to Union blockaders near the island, until their absence allowed him to flee the island. After crating up the Fresnel lens, Rickard absconded to Tampa with the lens and as many supplies as he could transport.

The lighthouse soon fell under Union control and was reactivated using a makeshift light. After the war, a fourth-order lens was used until 1893, when it was replaced by a third-order lens with a red sector.

In 1898, during the Spanish-American War, Fort Dade, part of a comprehensive coastal defense system, was constructed on the island. Named for the army commander, who along with his detachment, was killed by Seminole Indians in 1835, the fort, along with Fort DeSoto on Mullet Island to the northeast, stood watch over the entrance to Tampa Bay. The fort was staffed during World War I as well, and by the time it was deactivated in 1923, a movie theater, bowling alley, tennis courts, and miles of brick roads were found on the island.

In 1944, the upper portion of the lighthouse was removed along with the Fresnel lens, and a Double Head DCB-36 Rotating Beacon was placed on top of the capped tower. The remaining keeper's dwelling was demolished in 1954 and replaced by a one-story barracks. In 1974, Egmont Key became a National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. The island was also added to the National Register of Historic Places in 1978, due to the lighthouse and remains of Fort Dade. The lighthouse was automated in 1989 when the present optic, a DCB-24 Rotating Beacon was installed, and today the Florida Park Service and U.S. Fish and Wildlife Service work together to manage the island.

In November of 2008, a celebration was held on the island to commemorate the 150th birthday of the Egmont Key Lighthouse. In preparation for the event, the lighthouse received a new coat of paint thanks to the Tampa Bay Rough Riders and volunteers from the Coast Guard. A new plaque was unveiled at the base of the lighthouse during the festivities, and birthday cake was served to over 200 people. For the past several years, Christmas lights have been placed on

the tower by volunteers from the Egmont Key Alliance to bring a little holiday cheer to the island.

100 YEARS WELL SPENT—MARTIN WISENBAKER TURNS 100 YEARS OLD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

Mr. POE of Texas. Madam Speaker, this Saturday in Humble, TX, the eight children, numerous grandchildren and great-grandchildren of Martin Lewis Wisenbaker are celebrating his 100th birthday. This Texan has played many roles in his accomplished life including athlete, farmer, deacon, husband, and father and he doesn't seem to be slowing down anytime soon.

Martin Wisenbaker was born in Graham, TX on January 17, 1909, and by the age of 16 he had settled in Humble, TX. He started out working in the rice fields of southeast Texas until he was hired by Hughes Tool in 1929.

Just 4 years later Martin met the woman he would marry and spend his life with, Miss Wesley Belle Lee. Over the years they had eight children, including two sets of twins. In addition to his job at Hughes Tool, Martin had his own dairy farm and sold milk to local families.

In 1944 the family joined the First Baptist Church in Humble. Martin would go on to be baptized in the church and even serve as a deacon starting in 1960. Even with all of his commitments, Martin still found time to pursue another passion: sports. You could find him playing tennis or baseball and he even won a local tennis tournament and played 3rd base for the company baseball team.

After 38 years with Hughes Tool, Martin retired at the age of 62. His retirement years were spent with the church bowling league. Over the years Martin added numerous bowling trophies to his tennis and baseball awards. After winning many times over at the Senior Olympics and a bowl of 200 on his 92nd birthday, Martin was forced to give up the sport when he was 99 years old due to knee problems.

In July of 2008 Martin lost his wife, Wesley, just after their 74th anniversary. They spent their last days together in the Park Manor facilities in Humble, where he still resides.

Madam Speaker, on Saturday that room will be filled with Martin Wisenbaker's loved ones who are no doubt celebrating the life of a great man who was born before the Titanic sailed, experienced the Great Depression, saw the first Olympic Games, lived through two world wars, entered the new millennium and watched as the U.S. was attacked by terrorists on September 11, 2001.

I want to commend Mr. Wisenbaker on a long life of hard work and service to his community. Congratulations to him and his family on this extraordinary achievement.

Daily Digest

HIGHLIGHTS

Senator-Elect Roland Burris, of Illinois, was administered the oath of office by the Vice President.

Senate

Chamber Action

Routine Proceedings, pages S401–S631

Measures Introduced: Twenty-three bills and one resolution were introduced, as follows: S. 251–273, and S. Res. 14. **Page S598**

Measures Passed:

Lands Bill: By 73 yeas to 21 nays (Vote No. 3), Senate passed S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, after taking action on the following amendments proposed thereto: **Pages S419–S557**

Adopted:

Bingaman/Murkowski Amendment No. 23, to improve the bill. **Page S419**

Bingaman/Murkowski Amendment No. 24, to make certain technical corrections. **Page S419**

Withdrawn:

Reid Amendment No. 15, to change the enactment date. **Page S419**

Reid Amendment No. 16 (to Reid Amendment No. 15), of a perfecting nature. **Page S419**

During consideration of this measure on Wednesday, January 14, 2009, Senate also took the following action:

Motion to recommit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid Amendment No. 17, to change the enactment date, fell when cloture was invoked on the bill. **Page S419**

Reid Amendment No. 18 (to the instructions of the motion to recommit), of a perfecting nature, fell when the motion to recommit fell. **Page S419**

Reid Amendment No. 19 (to Reid Amendment No. 18), of a perfecting nature, fell when Reid Amendment No. 18 fell. **Page S419**

Senate Staff Transition Funding: Senate agreed to S. Res. 14, to provide funding for Senate staff transitions. **Page S630**

Ralph Regula Federal Office Building and Courthouse: Senate passed S. 273, to require the designation of the federally occupied building located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the "Ralph Regula Federal Office Building and Courthouse". **Page S630**

Measures Failed:

Emergency Economic Stabilization Act Obligations Disapproval Resolution: By 42 yeas to 52 nays (Vote No. 5), Senate rejected S.J. Res. 5, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008. **Pages S559–63, S565–87**

Measures Considered:

Lilly Ledbetter Fair Pay Act—Cloture: Senate began consideration of S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, after agreeing to the motion to proceed to consideration thereto, taking action on the following amendments proposed thereto: **Pages S588–90**

Pending:

Hutchison Amendment No. 25, in the nature of a substitute. **Page S588**

During consideration of this measure today, Senate also took the following action:

By 72 yeas to 23 nays (Vote No. 4), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion

to close further debate on the motion to proceed to consideration of the bill. **Pages S557–59**

Senator Salazar Farewell Remarks—Agreement: A unanimous-consent agreement was reached providing that on Friday, January 16, 2009, Senator Salazar be recognized to speak in order to give his farewell remarks. **Page S631**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared on January 23, 1995, with respect to foreign terrorists who threaten to disrupt the Middle East peace process; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–3) **Page S597**

Transmitting, pursuant to law, the 2009 National Drug Control Strategy; which was referred to the Committee on the Judiciary. (PM–4) **Page S597**

Transmitting, pursuant to law, a report on the continuation of the national emergency relating to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–5) **Page S597**

Transmitting, pursuant to law, the Agreement Between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations; which was referred to the Committee on Foreign Relations. (PM–6) **Pages S597–98**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Tax Convention with Malta (Treaty Doc. No. 111–1).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S630–31**

Additional Cosponsors: **Pages S598–99**

Statements on Introduced Bills/Resolutions: **Pages S599–S628**

Additional Statements: **Pages S596–97**

Amendments Submitted: **Pages S628–29**

Authorities for Committees to Meet: **Pages S629–30**

Privileges of the Floor: **Page S630**

Record Votes: Three record votes were taken today. (Total—5) **Pages S430, S559, S587**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:32 p.m., until 10 a.m. on Friday, January 16, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S631.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded hearings to examine the nominations of William J. Lynn III, to be Deputy Secretary, who was introduced by Senator Reed, Robert F. Hale, to be Under Secretary (Comptroller) and Chief Financial Officer, Michele Flournoy, to be Under Secretary for Policy, who was introduced by Representative Skelton, and Jeh Charles Johnson, to be General Counsel, who was introduced by Senator Menendez, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Mary Schapiro, of New York, to be Chairman of the Securities and Exchange Commission, who was introduced by Senators Reed and Schumer, Christina Romer, of California, to be Chair of the Council of Economic Advisors, Austan Goolsbee, of Illinois, who was introduced by Senator Durbin, and Cecilia Rouse, of New Jersey, who was introduced by Senator Menendez, each to be a Member of the Council of Economic Advisors, and Daniel Tarullo, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System, who was introduced by Senator Dodd, after the nominees testified and answered questions in their own behalf.

DEBT OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the debt outlook and its implications for policy, after receiving testimony from Richard Berner, Morgan Stanley, and Allen Sinai, Decision Economics, Inc., both of New York, New York; and Douglas Holtz-Eakin, DHE Consulting, LLC, of Arlington, Virginia.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Ken Salazar, to be Secretary of the Interior, after the nominee, who was introduced by Senator Mark Udall and Representative John Salazar, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill to reauthorize the Children's Health Insurance Program.

Also, committee adopted its rules of procedure for the 111th Congress.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Susan E. Rice, to be Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations, after the nominee, who was introduced by Senators Bayh and Collins, testified and answered questions in her own behalf.

NOMINATION

Committee on Foreign Relations: Committee ordered favorably reported the nomination of Hillary R. Clinton, to be Secretary of State.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Janet A. Napolitano, to be Secretary of Homeland Security, after the nominee, who was introduced by Senators McCain and Kyl, testified and answered questions in her own behalf.

HEALTH INFORMATION TECHNOLOGY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine investing in health information technology (IT), focusing on stimulus for a healthier America, after receiving testimony from Valerie C. Melvin, Director, Human Capital and Management Information Systems Issues, Government Accountability Office; John H. Cochran, The Permanente Foundation, Oakland, California, on behalf of the Kaiser Permanente Medical Care Program; Janet Corrigan, The National Quality Forum, and Mary R. Grealy, Healthcare Leadership Council, both of Washington, D.C.

ECONOMIC STIMULUS

Committee on Indian Affairs: Committee concluded a hearing to examine job creation and economic stimulus in Indian country, after receiving testimony from Robert Middleton, Director, Office of Indian Energy and Economic Development, Bureau of Indian Affairs, and Jack Rever, Director, Facilities Management and Improvement, both of the Department of the Interior; Jackie Johnson-Pata, National Congress of American Indians, Robin Butterfield, National Indian Education Association, and Reno Franklin, National Indian Health Board, all of Washington, D.C.; and Julie Kitka, Alaska Federation of Natives, Anchorage, on behalf of the National Indian Health Board.

NOMINATION

Committee on the Judiciary: Committee held a hearing to examine the nomination of Eric H. Holder, to be Attorney General of the United States, the nominee, who was introduced by former Senator John Warner and Representative Norton, testified and answered questions in his own behalf.

Hearings recessed subject to the call and will meet again on Friday, January 16, 2009.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 51 public bills, H.R. 547–597; and 11 resolutions, H.J. Res. 18–19; H. Con. Res. 22–23; and H. Res. 66–72, were introduced. **Pages H379–82**

Additional Cosponsors: **Page H382**

Reports Filed: There were no reports filed today.

TARP Reform and Accountability Act of 2009: The House resumed consideration of H.R. 384, to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, which began on Wednesday, January 14th. Further proceedings were postponed. **Pages H335–67**

Accepted:

Matsui amendment (No. 2 printed in H. Rept. 111–3) that provides a sense of Congress stating that TARP participants, who receive from future TARP funds, should not initiate a foreclosure proceeding or foreclosure sale on any principal homeowner until the new systematic loan modification plan is implemented and deemed fully operational by the Secretary and Chair of FDIC; **Pages H355–57**

Frank (MA) amendment (No. 1 printed in H. Rept. 111–3) that makes sundry clarifications with respect to the use of TARP funds (by a recorded vote of 275 ayes to 152 noes, Roll No. 19); and **Pages H345–55, H365**

Patrick Murphy (PA) amendment (No. 7 printed in H. Rept. 111–3) that requires the Federal Reserve to disclose detailed information regarding the Federal Reserves Mortgage-Backed Securities purchase program (by a recorded vote of 426 ayes with none voting ''no'', Roll No. 22). **Pages H363–65, H367**

Rejected:

Hensarling amendment (No. 3 printed in H. Rept. 111–3) that would have removed the Secretary's authority to delegate an observer to attend meetings of the board of directors of any assisted institution (by a recorded vote of 151 ayes to 274 noes, Roll No. 20) and **Pages H357–59, H365–66**

Bachmann amendment (No. 5 printed in H. Rept. 111–3) that would have eliminated changes and additional funding for the HOPE for Homeowners program (by a recorded vote of 142 ayes to 282 noes, Roll No. 21). **Pages H360–63, H366–67**

Withdrawn:

Holt amendment (No. 4 printed in H. Rept. 111–3) that was offered and subsequently withdrawn that sought to amend the EESA to require that, provided TARP funds are not used for their purchase, the Secretary shall facilitate an auction of troubled assets by third party purchases and, if such auction does not take place within 3 months from enactment, the Secretary must report to Congress on the mechanism the Secretary deems best to use to value and liquidate such assets. **Pages H359–60**

H. Res. 62, the second rule providing for consideration of the bill, was agreed to by voice vote after agreeing without objection to order the previous question. **Pages H329–35**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20th. **Page H369**

Permanent Select Committee on Intelligence—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Permanent Select Committee on Intelligence: Representative Rogers (MI). **Page H374**

Presidential Messages: Read a message from the President wherein he transmitted the National Drug Control Strategy for 2009—referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means and ordered printed (H. Doc. 111–7). **Page H370**

Read a message from the President wherein he notified Congress that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–8). **Page H370**

Read a message from the President wherein he notified Congress that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996 is to continue in effect beyond March 1, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–9). **Page H378**

Read a message from the President wherein he transmitted an Agreement between the Government of the United States and the Government of the Russian Federation Extending the Mutual Fisheries Agreement—referred to the Committee on Natural Resources. **Page H378**

Quorum Calls—Votes: Four recorded votes developed during the proceedings of today and appear on pages H365, H366, H366–67, and H367. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:53 p.m.

Committee Meetings

U.S. CLIMATE ACTION PARTNERSHIP

Committee on Energy and Commerce: Held a hearing entitled ''The U.S. Climate Action Partnership.'' Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Met for organizational purposes.

REINVIGORATING THE ECONOMY THROUGH ECONOMIC STIMULUS LEGISLATION

Select Committee on Energy Independence and Global Warming: Held a hearing on ''Reinvigorating the Economy through Stimulus Legislation: Opportunities for All.'' Testimony was heard from Michael Nutter, Mayor, Philadelphia, Pennsylvania; Douglas Palmer, Mayor, Trenton, New Jersey; and public witnesses.

Prior to the hearing, the Committee met for organizational purposes.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 16, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: to continue hearings to examine the nomination of Eric H. Holder Jr., to be Attorney General of the United States, 10 a.m., SD–226.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, January 16

Senate Chamber

Program for Friday: Senate will be in a period of morning business and Senator Salazar will be recognized to speak to give his farewell remarks.

Next Meeting of the HOUSE OF REPRESENTATIVES

4 p.m., Friday, January 16

House Chamber

Program for Friday: The House will meet in pro forma session at 4 p.m.

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