The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, D.C.,
March 11, 2009.

I hereby appoint the Honorable Ed PASTOR to act as Speaker pro tempore on this day.

Nancy Pelosi,
Speaker of the House of Representatives.

PRAYER

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

The freedom we enjoy and defend seems to be rooted in our realization that we are created in Your divine image and redeemed by Your revealed love.

So, we are bold enough to turn to You and speak to You, Lord God, as children who are most secure in knowing ourselves; yet trusting in Your gracious care.

With our childish problems, in a world we have created for ourselves, we ask and we find ways that You show us and empower us.

Be unto us attentive, gracious and forgiving on another day; that as Your free children we may come to know the fullness of Your presence and glory now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ 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 PRO TEMPORE

The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

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

Ms. SCHWARTZ. Last week, the White House Forum on Health Reform was a critical step forward ensuring that all Americans have access to high-quality, affordable health care. Particularly important was a growing consensus among all stakeholders that we must reform our health care delivery and financing system to maximize efficiency, improve health care quality and outcomes and contain costs.

President Obama charged us, Members of Congress and all stakeholders, to find a uniquely American solution to this challenge. To contain costs and expand access, we must engage patients in their care and realign our health care system to enhance primary care, to better coordinate care for patients with chronic conditions, to provide for meaningful use of health information technology and to apply clinical best practices, all of which will reduce costs and save lives.

Without these innovations, any effort at expanding health care coverage will be unsustainable. This work will be difficult and complex. But we are compelled to act, both to meet the needs of millions of uninsured and underinsured Americans and for our economic competitiveness.

NUCLEAR WASTE AND DRINKING WATER

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

Mr. KIRK. Today’s Chicago Tribune includes a report by Michael Hawthorne that the administration has decided not to move nuclear waste from the Great Lakes. This leaves thousands of tons of plutonium and other transuranic poisons in outdated storage facilities next to the drinking water of 30 million Americans and millions of Canadians. What would happen if plutonium leaked into the Great Lakes? It would contaminate 95 percent of America’s fresh water for thousands of years.

We know that respected scientists would never recommend permanently storing nuclear waste next to major lakes and rivers. But that is what Senator REID got our President to do. Under this administration, 35 States will have to permanently store plutonium and other poisons on the Long Island Sound, in the Mississippi River basin and throughout the Great Lakes. This policy writes the first chapter of an inevitable environmental tragedy of biblical proportions that will hurt our country for a very, very long time.

HEALTH CARE REFORM

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

Mr. ALTMIRE. Mr. Speaker, for the first time in many years, this Congress...
is moving forward with long overdue legislation to reform our Nation’s health care system. With 47 million Americans without health insurance and costs rising well above the rate of inflation, health reform is an issue that can no longer be ignored. Health care bills the individuals, families and every business in America. Less than half of all small businesses in this country can afford to offer health insurance to their employees. Tens of millions of insured Americans live in fear of losing their coverage due to skyrocketing health care costs, and families are one accident or illness away from losing everything. Together we can put an end to the decades of roadblocks that have prevented meaningful health care reform. Let us not let this opportunity pass us by again.

HURTING AMERICANS SEE TOO MUCH GOVERNMENT SPENDING

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

Mr. GARRETT of New Jersey. Mr. Speaker, to Speaker NANCY PELOSI, I say American taxpayers, American families, Americans are all hurting. They are getting pink slips. They are seeing job layoffs. They are seeing their wages cut. They are seeing their income go down. And what do they see out of this House in Washington they are seeing spending going through the roof. They are seeing 10 percent increases on top of other 10 percent increases. They are seeing more than one-quarter of the Nation’s growth and wealth all being sucked right into this Nation’s Capital and spent in this city.

Mr. Speaker, the American people did indeed vote for a change. But this is not what they were hoping for.

H.R. 759 WILL ENSURE A SAFE FOOD SUPPLY

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

Mr. STUPAK. Mr. Speaker, as chairman of the Energy and Commerce Committee’s Subcommittee on Oversight and Investigations, I have held nine hearings to examine the safety and security of our Nation’s food supply over the past 2 years. A recent peanut outbreak salmonella outbreak is just the latest in a string of food-borne illnesses that affects 76 million Americans every year. For this reason, I joined with my colleagues, Chairman DINGELL and PALLONE, to introduce H.R. 759, the Food and Drug Administration Globalization Act of 2009.

H.R. 759 would give the FDA not only the recall authority and strong penalties that will allow testing facilities to send their results to the FDA. Congress faces an ambitious agenda in the coming months, but more than 600 illnesses and nine deaths linked to the current salmonella outbreak underscore the need for no time in enacting this legislation.

EARMARK REFORM

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

Mr. FLAKE. Mr. Speaker, in about 1½ hours, President Obama is expected to announce major earmark reforms as he signs an omnibus spending bill with 5,000 earmarks. This gives voice to St. Augustine’s lament, give me sobriety—but not yet.

But Mr. Speaker, it is still a good thing. And it is still long overdue. And we still shouldn’t have to look to the President and to the Congress for the kind of reform it will take to address this problem. This earmark problem is our problem. But gracefully, I believe he will announce, and I hope that he will announce, that he will not sign legislation that will allow no-bid contracts, congressional directed no-bid contracts, to go into effect. We have seen what that has done to the President will no longer be able to overrule. It will allow no-bid contracts, to go into effect. We have seen what that has done to the Congress, the kind of circular fundraising that happens and the campaign contributions that result. And it does not uphold the dignity and decorum of this body.

So I hope we can make major earmark reforms with the President.

MARCH AS RED CROSS MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to celebrate March as Red Cross Month. Since 1943 we have been celebrating March as Red Cross Month to promote the services provided to the public by the Red Cross. The Red Cross has been at the forefront of helping individuals and families prevent, prepare for and respond to large and small-scale disasters for more than 127 years.

Over the last year, more than 5 million people throughout the United States took advantage of educational opportunities from the Red Cross for CPR training, first aid and lifeguard training classes. And in Orange County, California, the local Red Cross chapter places great emphasis on community training. On April 18, the American Red Cross of Orange County will be hosting the fifth annual CPR day at, of course, Angel Stadium in my City of Anaheim, which will train over 1,500 people in adult and child CPR and first aid.

Once again, I want to thank the American Red Cross for making our communities safer and for providing needed resources to communities that are affected by floods, by fires, earthquakes, hurricanes and other natural disasters.

THE SCOTT GARDNER ACT

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

Mrs. MYRICK. I recently reintroduced the Scott Gardner Act, which would make it illegal and grounds for mandatory detention and deportation if an illegal alien is caught driving drunk.

Scott Gardner was a beloved father, teacher and husband in my district. And he was tragically killed by an illegal alien driving drunk who remained in our country despite the fact that he had previous DWI convictions. It would aid in the enforcement of our immigration laws by requiring the Federal, State and local governments to all share and collect information during the course of their normal duties. And local law enforcement agencies would have the resources to detain illegal aliens for DWI until they could be transferred to Federal authorities for deportation.

It is a travesty that we in this country allow illegal immigrants to remain here after being found guilty of driving drunk. Some in my district have recently argued that traffic violations are minor offenses. I’m sure Scott Gardner’s family and all of the families who have lost loved ones to DWIs would disagree.

STEM-CELL RESEARCH

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

Mr. ARCURI. Mr. Speaker, this week the President took a critical step to boost groundbreaking stem-cell research and restore scientific integrity across government. The President signed an executive order lifting the ban on Federal funding for promising embryonic stem cell research. In doing so he affirmed the administration’s support of finding cures for diseases like Alzheimer’s, Parkinson’s, heart disease and diabetes that cause pain and suffering all over the world.

Many thoughtful and decent people are conflicted about or are strongly opposed to this research. The President understands their concern and respects their point of view. That is why the administration will develop and rigorously enforce strict ethical guidelines with strong tolerance for misuse and abuse. This order does not open the door for cloning for human reproduction in any way. We are all opposed to
that. Rather, it unleashes and unHarnesses the potential of what this country can accomplish to eliminate the ravages of these diseases and the effects they impose upon humanity.

### STEMM-CELL RESEARCH

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

Mr. FLEMING. Mr. Speaker, I rise today as a father, a physician and a Congressman to express my deep concerns over the Administration’s decision to allow taxpayer dollars to incentivize the destruction of human embryos.

For the first time in our country’s history, the Federal Government is going to encourage the destruction of human embryos. Newer techniques for making embryonic-like cells without destroying any embryos and advances in adult stem-cell umbilical cord blood treatments are showing that the use of embryos for stem-cell research is becoming obsolete.

Over 73 different diseases have been treated, at least experimentally, with adult or cord blood stem cells, including type I diabetes and heart disease.

Because of recent steps by our President and pro-life taxpayers are now footing the bill for the promotion of abortions overseas, doctors are in danger of being forced to perform abortions regardless of moral or religious objections, and now taxpayer funds are going to support the destruction of human embryos in the name of research.

Embryonic stem-cell research provides no guarantee of scientific advancement, but it does guarantee the innocent unborn have lost a critical battle.

### STEMM-CELL RESEARCH

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

Mr. MORAN of Virginia. Mr. Speaker, I rise today as a father of a child with chronic and disabling diseases, illneses, and conditions for which this research may one day hold the promise of discovery of the first vaccine or X-ray or other significant scientific and medical discoveries in this country.

The details are yet to be confirmed, but I do know that our community owes a debt of gratitude to our leader and our Nation has seen in quite some time. My thoughts and prayers are with the families of the victims, and with the entire Wiregrass community in southeast Alabama.

The tragedy is not just a reminder of the human cost of our country’s decisions, but also a call for action on both sides of the aisle that are so used to the spending of yesterday that they cannot bear the thought of tightening their belts today. How are we going to justify picking the pockets of taxpayers to literally pay for pig poop?

This bill spends too much, taxes too many and borrows too much. I urge a veto of the ominous omnibus bill and its 8,000 earmarks. There are John Aherns all over this country who demand accountability in government. A veto would give it to them.

### TRAGEDY IN ALABAMA

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

Mr. BRIGHT. Mr. Speaker, as many of you have heard, a tragic shooting occurred yesterday in Geneva and Coffee Counties in Alabama. Without question, this is one of the worst tragedies our State and our Nation has seen in quite some time. My thoughts and prayers are with the families of the victims, and with the entire Wiregrass community in southeast Alabama.

I will be returning to my district later today to assist local leaders and law enforcement officials in any way that I can and to be with my constituents as we mourn the loss of friends and neighbors.

I ask that all of my colleagues here in the House and people watching right now from around the country keep the thoughts and prayers of the Senate and people watching right now from around the country keep the people of southeast Alabama in your thoughts and prayers.

### ECONOMIC ENGINE DOESN’T RUN ON PORK

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

Mr. BROUN of Georgia. Mr. Speaker, hardworking Americans are the economic engine that drives this great Nation. And America’s economic engine doesn’t run on pork.

Even though we are in a recession, Congress continues to take hard-earned tax dollars and send them toward pork projects like tattoo removal, Mormon crickets, and studying pig manure. In fact, the omnibus bill sent to the White House last night contains nearly 8,000 earmarks, costing taxpayers more than $11 billion.

Monday night I had a telephone town hall with my constituents back home in Georgia. One caller, Mr. John Ahern from Athens, hit the nail on the head with his question on spending: “Why aren’t politicians held accountable like families and taxpayers?”

Why indeed? There are Members on both sides of the aisle that are so used to the spending of yesterday that they cannot bear the thought of tightening their belts today. How are we going to justify picking the pockets of taxpayers to literally pay for pig poop?

This bill spends too much, taxes too many and borrows too much. I urge a veto of the ominous omnibus bill and its 8,000 earmarks. There are John Aherns all over this country who demand accountability in government. A veto would give it to them.

### STEMM-CELL EXECUTIVE ORDER

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

Mr. LANGEVIN. Mr. Speaker, I recently had the distinct honor and privilege of witnessing an historic and defining moment in our Nation’s history, one that I believe will fundamentally alter the course of science and medicine in the same manner as did the discovery of the first vaccine or X-ray or other significant scientific and medical discoveries in this country.

On Monday, President Obama signed an executive order lifting the ban on the Federal funding of embryonic stem cell research. As someone who has lived with a spinal cord injury for over 20 years, I have always had the hope that one day I might walk again.

But this executive order is not about me or even about spinal cord injuries. It is about the millions of people living with chronic and disabling diseases, illnesses, and conditions for which this research may one day hold the promise of new treatments and cures. It is about responsible investment into sciences and technologies that will ensure our Nation’s continued economic competitiveness into the 21st century.

There is still much work to be done, and I look forward to working with my congressional colleagues on this issue to ensure that responsible policies based on sound science are enacted. This is truly an historic event.

### AMERICANS NEED OBJECTIVE REPORTING

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

Mr. SMITH of Texas. Mr. Speaker, it is clear that the American people want to know the truth about the billions of taxpayer dollars being spent on pork projects scattered across the country.

This bill spends too much, taxes too many and borrows too much. I urge a veto of the ominous omnibus bill and its 8,000 earmarks. There are John Aherns all over this country who demand accountability in government. A veto would give it to them.
Mr. SMITH of Texas. Mr. Speaker, recently the New York Times asserted that President Obama enjoyed “remarkably high levels of optimism and confidence” among Americans. The very same day, Gallup released a poll with very similar results as the Times poll, but Gallup characterized the result as “typical of how the last several Presidents have fared at the one-month mark.” In other words, not remarkable.

Gallup also found that the number of people who disapproved of the way President Obama is doing his job had doubled in just one month, from 12 percent to 24 percent, and noted that President Obama’s disapproval rating was higher than the average of the last six Presidents.

The Times and Gallup had similar polling results, but the Times gave a very biased report and ignored the historical facts.

At least one member of the White House press corps recognizes his colleagues’ bias in favor of President Obama.

Jake Tapper, ABC’s Senior White House Correspondent, said during a recent interview that some news editors and producers are soft on the President and inclined to “root for him.” Regarding the media’s bias, Tapper also said: “Certain networks, newspapers and magazines leaned on the scales a little bit.”

It is telling that a man who sees news coverage of the President first-hand on a daily basis would be so forthcoming about the media’s pro-Obama bias.

When it comes to the major issues we face, Americans expect the media to be referees, not cheerleaders.

COMMENDING ROBERT P. PAGE

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

Mr. MELANCON. Mr. Speaker. I would like to take this time to commend Mr. Robert P. Page, an outstanding citizen and business leader from Houma, Louisiana. He is about to complete his term as president of the National Association of Insurance Agents. Mr. Page has distinguished himself throughout his career as a professional insurance agent, even serving as president of the Professional Insurance Agents of Louisiana, and he has exhibited only the highest standards of honesty, integrity and professionalism.

Despite the devastating personal losses as a result of hurricanes Katrina, Rita, and Gustav, Mr. Page has provided uninterrupted service to the clients of his insurance agency in Houma, going above and beyond the call of duty to assist his fellow citizens, who also suffered devastating losses as a result of the hurricanes.

Mr. Page is a tireless advocate of developing a national consensus to come up with a better mechanism to deal with natural catastrophes throughout the United States, serving as a founding member of the Professional Insurance Agents Natural Task Force. With his years of hard work and dedication, Mr. Page has earned the respect and admiration of his many colleagues throughout the insurance industry, as well as exemplified the motto of his insurance association, “Local Agents Serving Main Street America.”

Therefore, I would like to congratulate and commend Mr. Robert P. Page of Houma, Louisiana, upon the successful completion of his term as president of the National Association of Professional Insurance Agents.

STEALTH TAX INCREASE

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

Mr. POE of Texas. Mr. Speaker, somebody has to pay for this massive wasteful spending by the Federal Government.

So to obtain more revenue, the budget proposal is to cut deductions Americans now receive, the charitable giving deduction will be cut. Thus charities, not government entities, by the way, such as churches, the YMCA and groups such as that that feed the hungry and help in disasters, take care of crime victims, and help the homeless, will be struggling for funds. Now the government will get that money.

The removal of this deduction will discourage gifts by Americans. Americans are the most cheerful contributors in the world to charities, but that may now end.

The home mortgage deduction also is going to be reduced. The effect of reducing this deduction and the charitable-giving deduction will have the effect of a stealth tax increase on all Americans.

Mr. Speaker, it doesn’t make any sense to raise taxes on anyone during a recession, especially homeowners and those that give to the needy.

And that’s just the way it is.

RECOVERY ACT FIRST STEP IN REFORMING HEALTH CARE

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

Mr. WILSON of Ohio. Mr. Speaker, I am proud to have supported the American Recovery and Reinvestment Act. It is one of the first steps we look in our journey to strengthen and improve our country’s health care system. We can’t fix our economy without fixing health care.

The recovery plan will provide $20 billion to speed the adoption of health information technology systems by doctors and hospitals. This will modernize our health care system, reduce medical errors, save billions of dollars and create jobs.

Recently, I visited Holzer Medical Center in my district in Gallipolis, Ohio. Doctors there showed me how health IT helps them to speed medical records from doctor to doctor and cut down on extra medical tests. That saves time and money.

Mr. Speaker, in fact, the Congressional Budget Office estimates that health IT investments will generate up to $40 billion in savings for Medicare and private health insurance companies. Those savings can be passed along to American families.

I look forward to watching continued improvements at hospitals back home, like Holzer. And I look forward to continuing our work to further improve health care.

BLOCK CONGRESSIONAL PAY RAISES

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

Mr. BUCHANAN. Mr. Speaker, Congress needs to lead by example in this time of economic uncertainty. For that reason, I was encouraged when the House decided to give up its pay raise next year. It is important to send the right message to the American people: a message that says Congress is willing to tighten its belt just like American families are doing across the country.

But we need to go even further. That’s why I hope the leadership in the House will take up my legislation, H.R. 566, blocking all future congressional pay raises until the Federal budget is balanced.

Millions of hardworking Americans only get a salary increase if they produce positive results. Congress should be no different. With our national debt about to surpass $11 trillion and unemployment in our country surging past 8 percent, we need to hold ourselves to a higher standard. The American people expect and deserve nothing less.

My legislation to block congressional pay raises until we balance the budget offers meaningful reform. I urge Members from both sides of the aisle to support it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 11, 2009, at 9:20 a.m.:

The Senate Passed Without Amendment H.R. 1105. With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair
OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate 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 amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill, as amended, is 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 “Omni Public Land Management Act of 2009”.

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

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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 133 of Public Law 97–466 (16 U.S.C. 1131 et seq.) is modified to add approximately 33,990 acres of land, as generally depicted on the map entitled “Monongahela National Forest” 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. 460f–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.

(b) NONMOTORIZED RECREATION TRAIL DEFINITION.—For purposes of this section, the term “nonmotorized recreation trail” means a trail designated for hiking, bicycling, and equestrian use.

(c) 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.

(d) CONSERVATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommisioning 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.

(1) SCENIC AREAS.—The term “scenic areas” means the Seng Mountain National Scenic...
(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 110–195 (16 U.S.C. 1131 note; 162 Stat. 584, 114 Stat. 2857), is amended—

(1) in the matter preceding paragraph (1), by striking “—” 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 inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,748 acres, as generally depicted on the map entitled ‘Brush Mountain East Wilderness’ and dated April 28, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,798 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’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Stone Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,278 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’.

“(13) Certain land in the Jefferson National Forest comprising approximately 3,478 acres, as generally depicted on the map entitled ‘Garden Mount and Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.


“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).


“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Study 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”;

(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 inserting a period; and

(D) by adding at the end the following:

“(6) 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. 1104. 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) ECOCLOGICAL RESTORATION.—

(1) IN GENERAL.—Wilderness areas subject to ecological restoration (including the elimination of nonnative species, removal of illegal, unregulated, 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 adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated into the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the potential wilderness area that is 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.
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)); and
(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 1109(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions of 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 forest plan (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.
Any reference in the Endangered American 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));
(2) the potential wilderness area designated by section 1109(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 Endangered American 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:

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).

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(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).


ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 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".


LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,670 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".

RICHARD L. KOHNSTAM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled "Richmond Memorial Area", dated July 16, 2007, is designated as the "Richard L. Kohnstamm Memorial Area".

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. 1133 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as "Potential Wilderness—Roaring River" on the map entitled "Roaring River Wilderness—Roaring River Wilderness", dated July 16, 2007, which shall be known as the "Roaring River Wilderness Area".
Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) Management.—The potential wilderness area designated by subparagraph (A) shall be subject to management 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 area shall—

(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 or before March 11, 2009, the Secretary of Agriculture shall be considered to be a part of, the Mount Hood Wilderness, as designated by subsection (a)(5) 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).

(A) maps and legal descriptions.—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.

(B) 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.

(5) 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) are defined 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.—Each area designated as wilderness by this section shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as described in paragraphs (1) and (3) of the Wilderness Act (16 U.S.C. 1133).

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(4) BUFFER ZONES.—(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1964 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designated wilderness areas to be subject to 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.

(f) 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 responsible for the jurisdiction over the land within the wilderness area, in consultation with the Secretary (as defined 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.

(1) WITHDRAWAL.—Subject to valid existing rights, each area 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.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(A) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD AREA.

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) is amended by adding at the end the following:

“(A) The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork South Fork Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

(B) The 11.0-mile segment from the headwaters of the East Fork Hood River to Buckeye Creek, as a scenic river.

(C) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.”

(2) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, water-related, 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 34,650 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood N RA”, “National Recreation Areas—Bonneville N RA”, and “National Recreation Areas—Sheeprock Mountain”, dated February 2007.  

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(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 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 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—

(i) 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. 1311 et seq.).

(e) Timber.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) if necessary necessary to improve the health of the forest in a manner that—

(i) maximizes the retention of large trees—

(II) 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) if necessary necessary to conduct managed burning activities conducted to further the purposes described in subsection (a); and

(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 for 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) for 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, the following activities conducted to further the purposes described in subsection (a) are prohibited on National Forest System land in the Mount Hood National Recreation Area:

(1) New road construction or renovation of existing non-system roads, except as necessary to protect public health and safety.

(2) Projects undertaken for the purpose of harvesting commercial timber (other than activities related to the harvesting of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(3) Commercial livestock grazing.

(4) The placement of new fuel storage tanks.

(5) 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 Mount Hood National Recreation Area.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administrated in accordance with other 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” by—

(B) 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 are 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, OUTLOOK BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under subsection 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”.

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land other covered by subparagraph (A) that is designated as wilderness by section 1202.

(2) WITHDRAWAL.—

(A) 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 entry, appropriation, or disposition under—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives; and

(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.

(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—

(A) 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

(B) only allow uses of the Management Unit—

(i) that are consistent with the purposes described in paragraph (2).
as the “Crystal Springs Zone of Contribution”.

(2) Exclusions from Management Unit.—On the date of acquisition, any land acquired under this subsection (A) shall be managed in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(3) Description of Land.—The land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Row,” dated July 18, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Cleftack Wilderness—South Fork Clackamas,” dated January, 2007.

(4) Maps and Legal Descriptions.—

(A) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file legal description and official maps for the parcels of land described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(B) M A P S AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall file map and legal description for the parcels of land described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(5) Withdrawal.—Subject to valid existing rights, 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.

SEC. 1206. LAND EXCHANGES.

(A) Cooper Spur-Government Camp Land Exchange.—

(1) Definitions.—In this subsection:

(C) Federal Land.—The term “Federal Land” means—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Row,” dated July 18, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Cleftack Wilderness—South Fork Clackamas,” dated January, 2007.

(2) Maps and Legal Descriptions.—As soon as practicable after the date of enactment of this Act, the Secretary shall file map and legal description for the parcels of land described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(B) In General.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall offer for sale parcels of land that are consistent with the purposes identified in paragraph (1).

(D) Wildland—Urban Interface.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(1) all forms of entry, appropriation, or disposition under all laws relating to Federal land; and

(2) any form of entry, appropriation, or disposition under all laws relating to Federal land.

(E) Terms and Conditions.—The conveyance of the Federal land shall be subject to such terms and conditions as the Secretary may require.

(F) APPRAISALS.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct an appraisal of the Federal land and non-Federal land described in paragraph (2) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(G) Conditions on Acceptance.—

(i) Title.—As a condition of the land exchange to acquire the land exchange under this subsection, title to the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(2) 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.

(3) Conditions on Acceptance.—

(A) Title.—As a condition of the land exchange to acquire the land exchange under this subsection, title to the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(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.

(C) Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) Uniform Standards of Professional Appraisal Practice.

(E) Surveys.—

(i) 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), including any 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) Cost.—The responsibility for the costs of any surveys conducted under paragraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(H) Deadlines 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.

(I) 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) AN INTERIM 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 acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(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 Appraisal Standards for 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) REQUIREMENTS.—In determining the costs for any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed no 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) land conveyed to the United States described in subsection (c)(3) and (d)(4), as applicable.

(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 Mount Hood National Forest shall be considered to be the boundaries of this National Forest in existence as of January 1, 1965.

(D) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(I) 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 referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) shall be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes the implementation schedule referred to in paragraph (1) 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.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(A) TRANSITIONAL PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed and consistent with the Memorandum of Understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall continue to implement or enforce any law (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights referred to in the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this section or any of the provisions of this Act shall abrogate or otherwise modify, alter, diminish, or abrogate the treaty rights of any Indian tribe, including the off-reservation trust status enjoyed by the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, and the Confederated 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 referred to in the treaty described in subparagraph (A).
Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wildlands Act of 1984 (16 U.S. Code 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking ‘‘eight hundred fifty-nine thousand’’ and inserting ‘‘873,300 acres’’;

(2) in subparagraph (A), by striking ‘‘19-mile segment’’ and inserting the following:

‘‘(1) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Williamette Meridian, downstream to 0.1 miles below Forest Service Road 3353; and

(ii) The approximately 0.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk. ‘‘Proposed Rowlett parcel.’’

(b) MEMORANDUM OF UNDERSTANDING.—(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the Mount Hood National Forest, comprising approximately 32, 33 S., R. 12 W., Williamette 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. 1302. 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 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.—The term ‘‘Bureau of Land Management’’ means the Bureau of Land Management of the Department of the Interior for Indian tribes or individual Indian tribes or Indian tribes or individual Indian tribes, and area of livestock grazing on the land covered by the grazing lease donated under subparagraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A).

(3) COMMON ALLOTMENTS.—To ensure that there is a permanent reduction in the level 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).

(4) DONATION OF PORTION OF GRAZING LEASE.—(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within in the Monument may elect to donate only the 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 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).

(5) FEDERAL PARCEL.—The term ‘‘Federal parcel’’ means the approximately 1.5 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.

(6) 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.

(7) DEERFIELD FIELD.—The term ‘‘Deerfield field’’ means the approximately 13,700 acres of land identified as ‘‘From Deerfield to BLM’’, as generally depicted on the Deerfield land exchange map.

(8) GAZING ALLOTMENT.—The term ‘‘gazing 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 South Mountain grazing allotments in the State.

(9) GAZING LEASE.—The term ‘‘gazing lease’’ means any limited number of grazing leases for a grazing allotment.

(10) LANDOWNER.—The term ‘‘Landowner’’ means the owner of the Box R Ranch in the State.

(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 1406(a).

(b) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(c) NO NEW GAZING 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 in the Monument may elect to donate only the 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 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, the Secretary shall reduce 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 a 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.—(A) With respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(i) may 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.

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 Deerfield Learning Associates.
(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.

SEC. 1404. SODA MOUNTAIN WILDERNESS.
(a) Designation.—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, and to the Deerfield parcel.
(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 to—
(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) Notice.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subsection (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.—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) Cattle.—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 necessary to consider 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 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; or
(4) establishes a precedent for future grazing permit or lease donation programs or affects the allocation, ownership, interest, control, or use of water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or any private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.
In this subtitle—
(1) ACCOUNT.—The term “account” means Owyhee Land Acquisition Account established by section 138(b)(1).
(2) COUNTY.—The term “County” means Owyhee County, Idaho.
(3) OYWHEE FRONT.—The term “Owyhee Front” means the area of the County from Jentz Road (as depicted on the Owyhee Front Road Corridor Action Plan) 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 in subsection 18(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) Tribe.—The term "Tribe" 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 with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County. The Center will conduct 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 267,328 acres, as generally depicted on the map entitled "Big Jacks Creek Wilderness" and dated May 5, 2008, which shall be known as the "Big Jacks Creek Wilderness".

(B) North Fork Owyhee 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 "North Fork Owyhee Wilderness".

(C) Little Jacks Creek Wilderness.—Certain land comprising approximately 64,314 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 12,533 acres, as generally depicted on the map entitled "Owyhee River Wilderness" and dated May 5, 2008, which shall be known as the "North Fork Owyhee Wilderness".

(E) Owyhee River Wilderness.—Certain land comprising approximately 12,533 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 "Owyhee River and Pole Creek Wilderness" and dated May 5, 2008, which shall be known as the "Pole Creek Wilderness".

(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 effective date 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 developed 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 report to Congress an inventory of existing grazing permits and leases for the wilderness areas designated by this subtitle that is acquired by the United States. The inventory shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(4) 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) 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) Grazing.—

(A) In General.—The grazing of livestock on public land designated as wilderness by this subtitle is authorized in wilderness areas designated by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) Reduction.—Not later than 2 years after the date of enactment of this Act, the Secretary shall report 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. 1135(a)), 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.

(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.—

(1) In General.—In accordance with 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 to protect 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 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) 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.—Amounts in the account (A) 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 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 the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not preclude the issuance of 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 713K.

SEC. 1904. 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 1209(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 to the east boundary of sec. 5, T. 10 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 (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.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the approximately 0.35 miles of the West Fork 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.

(183) WEST FORK BRUNEAU RIVER, IDAHO.—

(A) IN GENERAL.—The designated as a component of the National Wild and Scenic Rivers System under this subtitle shall not acquire any private land within the exterior boundary of a recreational river corridor without the consent of the owner.

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be deposited in a separate account in 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".

(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles on 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 recreational river.

(185) DICKSHEETER CREEK, IDAHO.—The 9.25 miles of Dicksheeter Creek from the confluence with Deep Creek to a point on the south boundary of 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) DICKSHEETER CREEK, IDAHO.—

(A) IN GENERAL.—The 5.7-mile segment from the Idaho-Nebraska State border, to be administered by the Secretary of the Interior as a recreational river.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary shall allow for continued access across public road access shall 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 upstream of the confluence with 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.

(187) DUNCAN CREEK, IDAHO.—

(A) IN GENERAL.—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) JARDBIDGE 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-Jarbridge 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 Big 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.—

(A) The 7.4-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 14.6 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-Jarbridge Rivers to the upstream boundary of the Bruneau-Jarbridge 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 of the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nebraska 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 on the south boundary of the upstream boundary of the Owyhee River Wilderness to the point at which the river exits the northernmost boundary of the Owyhee River Wilderness to 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.

(C) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a recreational 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 identified as land designated as a component of the National Wild and Scenic Rivers System under this subtitle 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.

(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 wild river areas designated by this subtitle, including land identified as "Proposed for Acquisition" on the maps described in section 1903(a)(1).

(B) USE OF PROCEEDS.—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.

(b) INVENTORY.—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 such sums as are necessary to carry out this subsection has been expended.

(2) Availability of Amounts.—Any amounts remaining in the account on the termination of authority under this section shall—

(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. 1607. CULTURAL RESOURCES.

(a) Coordination.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan to protect cultural resources protected by the Shoshone Paiute Cultural Resource Protection Plan. The Secretary shall, in coordination with the Tribes, State, and County, prepare or update 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 this section, the Secretary shall conduct a resource and route inventory of the area covered by the plan.

(c) Limitation to Designated Routes.—(1) 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) Temporal 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 Bureau of Land Management land in the County outside the Owyhee Front.

(2) Boise River 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. 1608. APPROPRIATIONS.

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

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 4, 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." The area is the Sabinoso Wilderness Study Area.

(b) Map and Legal Description.—

(1) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) file a map and a legal description of the Sabinoso Wilderness with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(2) 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 grazing laws in force in the Sabinoso Wilderness Study Area.

(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.

(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 holdings in the Sabinoso Wilderness.

(b) Certain Land.—For access purposes, private land within T. 16 N., R. 23 E., sec. 17 and 20 and the N 1⁄2 of sec. 21, N.M.M., shall be managed as an inclusion 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 (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 Boundary", numbered 626/30/051, 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 lands included in subsection (b) of the Pictured Rocks National Lakeshore Boundary, numbered 626/30/051, are 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 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.

SEC. 1703. 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's decision to designate as wilderness and as a component of the Oregon Badlands Wilderness, if established by 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)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and
(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–465).

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Sky Beaver Lakes may continue, subject to any applicable laws (including regulations).

(c) 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—
(1) any reference in this Act to the Wilderness Act (16 U.S.C. 1131 et seq.), any other applicable law, and the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1704. 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. 1705. DESIGNATION.

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.

(A) WILDERNESS MAP.—The term ‘‘wilderness map’’ means the map entitled ‘‘Badlands Wilderness’’ and dated September 3, 2008.

SEC. 1706. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Federal land within the boundary of the Oregon Badlands 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, that 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 by 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. 101–465).

(4) SURVEYS.—The exact acreage and legal description of the Federal land referred to in paragraph (1) shall be determined by surveys approved by the Secretary.

(5) DISTRICT EXCHANGE.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the United States in and to the 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 the right, title, and interest of the United States in and to the non-Federal land described in paragraph (2)(B).

(6) MAP AND LEGAL DESCRIPTION.—In this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), any reference in that Act to the effective date of that Act have terminated, the potential wilderness shall be—
(A) designated as wilderness and as a component of the Oregon Badlands Wilderness, if established by the date of enactment of this Act to continue in the potential wilderness.

(7) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(8) POTENTIAL WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(9) INTIMEMENT.—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.

(10) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(11) MAP AND LEGAL DESCRIPTION.—In this Act, the Secretary shall file a map and legal description in the appropriate offices of the Bureau of Land Management.

(12) 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 or typographical errors in the map and legal description.

(13) 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. 1707. RELEASE.

(a) FINDING.—The Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(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 in 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. 1732(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. 1708. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsection (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the United States 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 the right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(b) FEDERAL LAND.—The Federal land referred to in paragraph (1) is the approximately 230 acres of non-Federal land identified on the wilderness map as ‘‘Clarno to federal Government’’.

(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) 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).

(e) VALUATION, APPRAISALS, AND EQUALIZATION.—
(1) IN GENERAL.—Subject to subsection (b), the non-Federal land referred to in paragraph (1) is the approximately 97 acres of non-Federal land identified on the wilderness map as ‘‘COID to Federal Government’’.

(2) FEDERAL LAND.—The Federal land referred to in paragraph (1) is the approximately 230 acres of Federal land identified on the wilderness map as ‘‘COID to Government to COID’’.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2)(A) shall be determined by surveys approved by the Secretary.

(4) DISTRICT EXCHANGE.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(5) DESCRIPTION OF LAND.—
(A) NON-FEDERAL LAND.—The non-Federal land described in this section is the approximately 230 acres of non-Federal land identified on the wilderness map as ‘‘COID to Government to COID’’.

(b) 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).

(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) 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).
(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 concurrently by an independent, non-Federal land, an appraiser appointed by the Secretary, and the owner of the non-Federal land to be exchanged.

(B) INTERESTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—
(i) the Uniform Appraisal Standards for 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.

(C) 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 RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, 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 23, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) TRIBAL LAND.—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.

(WILDERNESS MAP.—The term "wilderness status" includes 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 a 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—

(I) 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 described in 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 6(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin Wilderness with wilderness status that are designated by section 1752(a) of this title, become part of the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. S. R., E. 19, sec. 10, NE 1/4, W 1/2.

(B) On receipt of acceptable title to the non-Federal land, convey to the United States all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(A).

(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 the Federal Government to the Tribes of the Warm Springs Reservation of Oregon".

(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 the Confederated Tribes of the Warm Springs Reservation of Oregon".

(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) McGEE R 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 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 18 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to the Confederated Tribes of the Warm Springs Reservation of Oregon".

(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 the Confederated Tribes of the Warm Springs Reservation of Oregon".

(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 United States all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).
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(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 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 acquired pursuant to the Act of March 12, 1976 (43 U.S.C. 1716(b)); or

(i) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(ii) the Uniform Standards of Professional Appraisal Practice.

(iv) the appraisal shall be conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Appraisal Standards for Professional Appraisal Practice.

(v) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(vi) the Uniform Appraisal Standards for Professional Appraisal Practice.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary shall be—

(i) used in accordance with that Act.

(ii) the Uniform Appraisal Standards for Professional Appraisal Practice.

(iii) the Uniform Appraisal Standards for Professional Appraisal Practice.

(iv) the Uniform Appraisal Standards for Professional Appraisal Practice.

(v) the Uniform Appraisal Standards for Professional Appraisal Practice.

(vi) the Uniform Appraisal Standards for Professional Appraisal Practice.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary shall be—

(i) used in accordance with that Act.

(ii) the Uniform Appraisal Standards for Professional Appraisal Practice.

(iii) the Uniform Appraisal Standards for Professional Appraisal Practice.

(iv) the Uniform Appraisal Standards for Professional Appraisal Practice.

(v) the Uniform Appraisal Standards for Professional Appraisal Practice.

(vi) the Uniform Appraisal Standards for Professional Appraisal Practice.

(C) EFFECT.—The designation of the wilderness areas under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness areas under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness areas under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness areas under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness areas under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Wilderness" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.
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 "Wilderness Study Areas" and dated September 19, 2006, 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 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 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) 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 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 the wilderness areas and wilderness additions 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.

(c) 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.

(d) 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 other law.

(e) WITHDRAWAL.—Subject to valid existing 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 law,

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(f) 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.

(g) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with the appropriate fire management authorities, shall develop fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(h) 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 any reasonable access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(i) MILITARY ACTIVITIES.—Nothing in this subtitle preempts—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle; or

(2) the designation of new units of special flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(j) 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. 101-465).

(k) FISH AND WILDLIFE MANAGEMENT.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall, in consultation with the appropriate fire management authorities, develop and implement policies to ensure the continued management of fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle that are necessary and appropriate to—

(1) ensure the continued management of fish and wildlife species;

(2) maintain or restore fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle;

(3) identify and perform fire suppression and fuels reduction activities to maintain or restore fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle; and

(4) subject to any terms and conditions determined to be necessary by the Secretary.

(l) OUTFITTER AND GUIDE USE.—Outfitter and guide use and activities conducted under permits issued by the Forest Service on the lands described in section 1802(5)(B) shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(m) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 95,000 acres of land identified as "Transfer of Administrative Jurisdiction from BLM to FS" on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 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.

(n) TRANSFER TO THE BUREAU OF LAND MANAGEMENT ADMINISTRATIVE JURISDICTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management in the wilderness areas and wilderness additions designated by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness use.

(o) 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.

(p) RELEASE.—Any portio 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. 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 use.

(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)).
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.

(B) 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 Dunmort 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 Owens River from 100 feet downstream of the Dummort Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

(1) O WENS 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 25 miles downstream of 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 Road 3S22 crossing, 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 recreational 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 Deadman 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 of the 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 one 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 uses 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; and

(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-Toiyabe National Forest Proposed Management” and dated September 17, 2008—

(1) in accordance with—

(A) the authorizing regulations 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 3,317 acres west of the Pickel Hill Management Area, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the protection of snowmobile use.

SEC. 1808. ANCIENT BRISTLECON 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 of California:—

(1) containing the Ancient Bristlecone Pine Forest—

(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 be on file and available for public inspection in the appropriate offices of the Forest Service.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than five 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) promote the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the identification 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).

(C) WRITING OF LAWS.—the existing rights, all Federal land within the Forest is withdrawn from—
SEC. 1051. 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 in Riverside County, California.—

(1) Designations.—

(A) Aigua 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, comprising approximately 2,379 acres, as generally depicted on the map entitled “Aigua Tibia Wilderness Additions”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Aigua 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 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 Wilderness”, and dated March 12, 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 2,118 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Additions” 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)(5) of Public Law 104-182 (110 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (9) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) Land in Death Valley.—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 Proposed Wilderness”.

(F) Joshua Tree National Park Wilderness Additions.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the 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 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains 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 designated by paragraph (44) of section 102 of Public Law 102-163 (106 Stat. 447; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7, Range 13 East, may be—

(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 24,404 acres, as generally described in the legal description filed under subparagraph (A), is 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.

(I) 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.

(J) Utility Facilities.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located generally within the wilderness areas and wilderness additions designated by this section.

(K) 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 8, 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 of the Interior 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) 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) 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) INCONSISTENCY WITH 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) 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) CONSTRUCTION.—Consistent with paragraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies, 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) responding to fire emergencies;

(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. 1133d(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 3172 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 California Wilderness by members of an Indian tribe for traditional cultural and religious 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 wilderness areas 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 purposes of section 6 of the Indian Forest Service Act of 1980 (42 U.S.C. 95–341), 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 for the benefits of Federal programs 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 USES.—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 designation of new 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 1855) is amended by adding at the end the following new paragraph:

‘‘(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 in section 26, township 4 south, range 2 east, San Bernardino meridian, to the North Fork San Jacinto River, as a scenic river.

‘‘(D) The 2.15-mile segment from its confluence with Fuller Mill Creek, as a recreational river.

‘‘(E) The 0.68-mile segment from .25 miles upstream of the SS90 road crossing, as a wild river.

‘‘(F) The 0.68-mile segment from .25 miles upstream of the SS90 road crossing to its confluence with Stone Creek, as a scenic river.

‘‘(G) The 2.91-mile segment from the Pine Wood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to the North Fork San Jacinto River, as a scenic river.

‘‘(H) The 1.41-mile segment from the Pine Wood 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.

‘‘(I) PALM CANYON CREEK, CALIFORNIA.—The following segments 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 boundary of the potential wilderness addition 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 Aqua Caliente Band of Cahuilla Indians to protect and enhance river values.

‘‘(235) BAYSTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Baysista 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:

‘‘(d) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified in terms of existing titles to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2000:

‘‘(1) The ‘Santa Rosa Peak Area Monument Expansion’.

‘‘(2) The ‘Snow Creek Area Monument Expansion’.

‘‘(3) The ‘Tahquitz Peak Area Monument Expansion’.

‘‘(4) The ‘Suites Area Monument Expansion’.

‘‘(5) 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 “nine”.

Subtitle H—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 10260014b, 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 holdings known as ‘‘Silver City’’ and ‘‘Kaweah Han’’.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the 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 helicopter for survey, operation, inspection, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. Except for the point of impoundments shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the use of helicopters for the operation, inspection in the Office of the Secretary.

(SEQ: KINGS CANYON CANYON CANYON ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres 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, as appropriate.

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 shall continue to be managed as recommended or proposed wilderness, as appropriate.

ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness not otherwise provided for in 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.

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.

MAP AND LEGAL DESCRIPTION.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall—

(a) periodically review the requirements of 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 (16 U.S.C. 1131 et seq.) shall be considered to be a reference to the date of enactment of this Act, the Secretary shall file a map and boundary description submitted under subsection (a) 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.

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).

(b) 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 (a) to reflect the inclusion of the land.

(c) 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 commercial use by the United States of water or water rights for any purpose within the Park, including—

(A) the Branch of the Grand River Ditch (as of the date of enactment of this Act) to the Park, including—

(a) the laws applicable to the Park; and
(b) the Secretary of Agriculture 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.).

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 within 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 paragraphs (a) and (b) of the stipulation approved June 26, 1967—

(1) shall be suspended; and
(2) shall not be enforceable against the Company (or any successor in interest).
Shore Trail'', to maximize the opportunity after the date of enactment of this Act, the nature, unless the Secretary determines that domestic purposes or any purpose of a public Grand River Ditch being used primarily for as a result of the water transported by the terminated, forfeited, or otherwise affected Act of March 3, 1891 (43 U.S.C. 946) and the WINDY GAP PROJECT.—

STATE.—The term “County” means Washington County, Utah.

100-8. DEFINITIONS. In this subtitle:

ADJUSTMENTS.—Section 3(a) of the Indian Peak Wilderness Management or use of any land not included within the boundaries of the Wilderness or the public land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 3, 1978, within the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(1) IN GENERAL.—After establishing the 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.

(4) 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 1602(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.

(1) 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 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.

In this subtitle:

(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 public land.

(2) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a);
(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

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) EAST SHORE TRAIL.—The term “East Shore Trail” means—

(A) the length of the Trail from the Canaan Mountain Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note); Public Law 95–450;

(1) by striking “seven hundred acres” and inserting “74,196 acres”; and
(2) by striking “; dated July 1978” and inserting “; dated May 2007”.

(2) 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. 666j(a)) is amended by—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and
(2) by striking “; dated July 1978” and inserting “; dated May 2007”.

SEC. 1506. AUTHORITY TO LEASE LEIFFER TRACT. (a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(c)) 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.

SEC. 1971. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADJUSTMENTS.—Section 3 of the Indian Peak Wilderness management or use of any land not included within the boundaries of the Wilderness or the public land.

(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 public land.

(2) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a);
(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

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) EAST SHORE TRAIL.—The term “East Shore Trail” means—

(A) the length of the Trail from the Canaan Mountain Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note); Public Law 95–450;

(1) by striking “seven hundred acres” and inserting “74,196 acres”; and
(2) by striking “; dated July 1978” and inserting “; dated May 2007”.

(2) 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. 666j(a)) is amended by—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and
(2) by striking “; dated July 1978” and inserting “; dated May 2007”.

SEC. 1506. AUTHORITY TO LEASE LEIFFER TRACT. (a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(c)) 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.

SEC. 1971. DEFINITIONS. In this subtitle:
(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,404 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougarcayn Wilder-
ness".

(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 Wilder-
ness”.

(H) DEEP CREEK NORTH.—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 “Deep Creek North Wilderness”.

(I) DOG’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 Wilder-
ness”.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,977 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Goose Creek Wilder-
ness”.

(K) LAVERKIN 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 “LaVerkin Creek Wilder-
ness”.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Red Cliffs Na-
tional Conservation Area 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 Na-
tional Conservation Area Map, which shall be known as the “Red Mountain Wilder-
ness”.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Slaughter Creek Wilder-
ness”.

(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 Wilder-
ness”.

(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 be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each 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 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 to the Secretary 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 103d Congress and H.R. 5487 of the 96th Congress (H. Rept. 96-917).

(2) 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 area is designated as wilderness by subsection (a)(1) shall not preclude the activity or use of land outside the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military air-
craft over any area designated as wilderness by subsection (a)(1), including military over-
flights that can be seen or heard within any wilderness area;

(B) flight, training and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establish-
ment 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 inter-
est in land within the boundaries of the wild-
erness area 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 sub-
paragraph (A) shall be administered as a part of the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELI-
GIOUS 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-gather-
inng 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 install-
ment 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 DEVELOPMENT.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to con-
stitute either an explicit or implied reserva-
tion by the United States of any water or water rights with respect to the land des-
ignated as wilderness by subsection (a)(1); or

(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; and

(iii) shall be construed as establishing a precedent with regard to any future wilder-
ness designations;

(B) shall affect the interpretation of, or any act made pursuant to, any other Act; or

(C) 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.

(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) JURISDICTION OF THE SECRETARY.—In fur-
therance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management ac-
ctivities to maintain and restore fish and wild-
life populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wild-
erness 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, in-
cluding applicable policies described in Ap-

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facil-
ities, including existing structures and fac-
ilities, for wildlife water development projects, including gugglers, in the wilder-
ness areas designated by the Secretary if—

(A) the structures and facilities will, as de-
termined by the Secretary, enhance wilder-
ness values by promoting healthy, viable, and naturally distributed wildlife pop-
ulations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can rea-
lonsably 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 that is 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 563 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732c), the area shall be available in the appropriate offices of the National Park Service.

(2) RELEASE.—Any public land described in paragraph (1) that is no longer subject to section 563(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732c); 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 124,466 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 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) 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.).

(c) 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 and this Act 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;

(B) listed as a threatened or endangered species on the list of threatened species or endangered species published under section 1533(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.


(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall develop a comprehensive plan for the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate Federal, State, local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), 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 in a manner that conserves, protects, and enhances the resources of the National Conservation Area.

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that are consistent with the purposes of this Act.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land 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.); and

(B) 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; and

(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 Secretary from acquiring additional land necessary to carry out the purposes of this section in accordance with—

(1) any 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 and this Act is to conserve, protect, and enhance for the benefit and enjoyment of 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—
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(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) 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 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) Federal, State, local, and tribal 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) with respect to the requirements, 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) any other applicable law (including regulations).

(2) USES.—The Secretary shall 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 REQUIREMENTS RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirements described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ‘Designated wilderness’, motorized vehicles shall be permitted only on the roads identified on such map.

(C) 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—

(i) subject to—

(1) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(2) applicable law (including regulations); and

(ii) in a manner consistent with the purposes described in subsection (a).

(D) 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.

(E) INCORPORATION OF ACQUIRED LAND AND INTRESTED LAND.—Subject to the availability of funds, the Secretary shall acquire by purchase or exchange any 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.); and

(B) this section; and

(C) any other applicable law (including regulations).

(f) 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 and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws. (2) ANNEXATION.—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. 176. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by adding at the end the following:

"(k) CANE CREEK.—The 0.6-mile segment from the headwaters north of Long Fork to the Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

(l) SHARPS CREEK.—The 0.5-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land 1⁄2-mile wide, as a wild river.

(m) SOUTH FORK OF TAYLOR CREEK.—The 4.9-mile segment from the junction with South Fork of Taylor Creek to the junction with Wolf Creek and adjacent land rim-to-rim, as a wild river.

(n) NORTH FORK 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 of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

(o) 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 junction with North Fork of the Virgin River and adjacent land 1⁄2-mile wide, as a recreational river.

(p) DEEP CREEK.—The 3.5-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.

(q) NORTH FORK OF THE VIRGIN RIVER.—The 10.5-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.

(r) SOUTH FORK OF THE VIRGIN RIVER.—The segment from the junction with North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

(s) 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.

(t) HENDRICK CANYON.—The 1.6-mile segment beginning on Bureau of Land Management land in the SSWW sec. 3, T. 39 S., R. 11 W., to the junction with South Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

(u) SHARPS CREEK.—The 1.5-mile segment from the head of Smith Creek to the junction with Smith Creek to the junction with LaVerkin Creek and adjacent land 1⁄2-mile wide, 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 recreational river.

(DD) BHUNIN CANYON.—The segment from the head of Bhunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational 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.

FFF) BUSCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land 1⁄2-mile wide, as a wild river.

GGG) OAK CREEK.—The segment from the head of Oak Creek to the point where the forks join and adjacent land 1⁄2-mile wide, as a wild river.

III) EAST FORK OF THE VIRGIN RIVER.—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 1⁄2-mile wide, as a recreational river.

III) 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.

(III) CRUG 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.

KKK) 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 wild river.

LLL) 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 to the junction of Shunee Creek and Canyon to the western boundary of Zion National Park and adjacent land 1⁄2-mile wide, as a wild river.

MMM) SHUNEE CREEK.—The 3-mile segment of Shunee Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the eastern boundary of Zion National Park and adjacent land 1⁄2-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 (a) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a) as added by subsection (a)), the acquired river segment shall be included 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 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.

(3) DESIGNATION OF TRAIL.—

(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) DESIGNATION.—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 laws, 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 close 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 in existence as of the date of the closure of the portion of the trail; or

(ii) located on public land; and

(iii) open to motorized use; and

(E) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) TRAVEL MANAGEMENT PLAN.—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.

(F) RESPONSIBILITY.—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 DISPOSITION 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.

(2) To the Secretary, (A) 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) 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) 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. The Secretary shall ensure that the legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) Responsibilities. (1) In general.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, or if the Secretary determines that the land is contaminated with hazardous waste, the legal descriptions shall be revised and corrected for remediation of the contamination.

(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, or if the Secretary determines that the land is contaminated with hazardous waste, the legal descriptions shall be revised and corrected for remediation of the contamination.

(d) 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, or if the Secretary determines that the land is contaminated with hazardous waste, the legal descriptions shall be revised and corrected for remediation of the contamination.

(e) 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, or if the Secretary determines that the land is contaminated with hazardous waste, the legal descriptions shall be revised and corrected for remediation of the contamination.

(f) Additional terms and conditions.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines may be necessary to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR BENEFIT OF SHIVWITS BAND OF PAUITE INDIANS.

(a) Definitions. —In this section:

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 60 acres of land that is managed by the Bureau of Land Management.

(2) PARCEL B.—The term “Parcel B” means the parcel that consists of approximately 640 acres of land that is managed by the Bureau of Land Management.

(b) Transfer of land into trust for benefit of Shivwits Band of Paiute Indians. —(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, and map. —(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 and map. —(i) In general.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(ii) the boundary line of Parcel A; and

(iii) Parcel A.

(C) Technical correction. —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.

(3) 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.

(4) Authorization of appropriations. —There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2001. DEFINITIONS. —The terms used in this Act mean—

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 60 acres of land that is managed by the Bureau of Land Management.

(2) PARCEL B.—The term “Parcel B” means the parcel that consists of approximately 640 acres of land that is managed by the Bureau of Land Management.

(3) TERRITORY.—The term “Territory” means the present land of the Shivwits Band of Paiute Indians of the State of Utah.

(4) TRIBE.—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines may be necessary to protect the interests of the United States.

SEC. 1983. TRANSFER OF LAND INTO TRUST FOR BENEFIT OF SHIVWITS BAND OF PAUITE INDIANS.

(a) Definitions. —In this section:

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 60 acres of land that is managed by the Bureau of Land Management.

(2) PARCEL B.—The term “Parcel B” means the parcel that consists of approximately 640 acres of land that is managed by the Bureau of Land Management.

(b) Transfer of land into trust for benefit of Shivwits Band of Paiute Indians. —(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, and map. —(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 and map. —(i) In general.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(ii) the boundary line of Parcel A; and

(iii) Parcel A.

(C) Technical correction. —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.

(3) 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.

(4) Authorization of appropriations. —There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2001. DEFINITIONS. —The terms used in this Act mean—

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 60 acres of land that is managed by the Bureau of Land Management.

(2) PARCEL B.—The term “Parcel B” means the parcel that consists of approximately 640 acres of land that is managed by the Bureau of Land Management.

(3) TERRITORY.—The term “Territory” means the present land of the Shivwits Band of Paiute Indians of the State of Utah.

(4) TRIBE.—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines may be necessary to protect the interests of the United States.
covered in the Robledo Mountains in southern New Mexico; (2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including the public land described in part 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. 2690); (A) provided interim protection for the site at which the trackways were discovered; and (B) directed the Secretary of the Interior to: (1) 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; (b) in 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 (c) 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 2102(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. 1701).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

EC. 2103. ESTABLISHMENT.

(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 Monument, including—

(j) 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 the land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(b) 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.

(c) 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).

(d) 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 800(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)); or

(B) managed as an area of critical environmental 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.

(e) 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 is 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 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) MAP.—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.

(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 and the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the General 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 environments for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area 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 research and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, organizations, including through partnerships with colleges, universities, schools, scientific institutions, 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 management plan for the land within or adjacent to the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate 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 by the United States of any water rights or water rights with respect to the Conservation Area.

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) REMAINING.—Public Law 108-64 is amended—

(1) in section 2(2) (16 U.S.C. 6681i–1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and


(b) REFERENCES.—Any reference in a law, regulation, document, 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 108-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 6681i–2(a)(1)), by striking “(hereafter referred to as the “conservation area”);” and

(2) in section 4 (16 U.S.C. 6681i–3)—

(A) in subsection (a)(2), by inserting “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtle 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).

(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 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) Water 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 as a component of the National Landscape Conservation System;
(2) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and
(3) in accordance with—
(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
(B) any other applicable laws.
(2) Use.—
(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) USES.—
(i) The Secretary shall issue a map and a legal description of the Conservation Area for administrative purposes or to reposition natural resources in the Conservation Area; and
(ii) the Committee on Natural Resources of the House of Representatives.
(c) MANAGEMENT.—
(1) GENERAL.—Subject to valid existing rights, all land and water 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—
(A) I N GENERAL.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with all the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Secretary of the Interior.
(B)Subject to any applicable laws.
(ii) 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 as follows:
(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
(4) NO BUFFER ZONES.—
(I) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.
(II) MANAGEMENT.—Land acquired under paragraph (1) shall—
(A) become part of the Conservation Area and, if applicable, the Wilderness;
(B) be managed in accordance with this subtitle and any other applicable laws.
(c) FIRE, INSECTS, AND DISEASES.—Subject to such terms as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—
(I) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); 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.
(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to paragraph (A) of subparagraph (III) of clause (i) and in accordance with this subtitle that 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.
(E) COOPERATIVE ENFORCEMENT.—
(I) IN GENERAL.—The Secretary shall not pursue adjudication for any Federal instream flow water rights established under this paragraph if—
(A) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and
(B) 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 Act, including any water right held by the United States.
(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under paragraph (A), the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.
(j) 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, 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 secure in accordance with this Act.
(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 procedures and requirements of priority system of State law.
(ii) ESTABLISHMENT OF WATER RIGHTS.—
(A) 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.
(B) EXCEPTION.—Nothing in this Act shall affect the use or allocation of any water right or water rights in existence on the date of enactment of this Act, of any water, right, or interest in water; or
(C) EFFECT.—Nothing in this Act shall affect the use or allocation, in existence on the date of enactment of this Act, of any water, right, or interest in water; or
(D) 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;
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)(1)(I); or

(ii) the agreement described in subparagraph (E)(1)(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, the Secretary shall—

(1) develop and implement a comprehensive water resource facility, or other water, diversion, storage, or conveyance project, or transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), a water resource facility may allow construction of a new livestock watering facility 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. 2670 of the 101st Congress (H. Rept. 101–405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area or Wilderness developed in studies of the land within the Conservation Area or Wilderness was established; and


(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, or any lesser number appointed by the Secretary, of whom—

(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 Delta County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(4) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(5) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(6) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(7) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(8) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(9) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(10) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(11) 1 member shall be appointed after considering the recommendations of the Montrose County Commission; and

(12) 1 member shall be appointed after considering the recommendations of the Mesa County Commission.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view and interests represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate 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. 4148) is amended—

(1) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(2) by inserting after subparagraph (H) the following:

"(I) the Environmental Protection Agency;" and

"(J) in paragraph (4), by striking "enactment of this Act" and inserting "enactment of the Omnibus Public Land Management Act of 2009"; and

(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."
(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)(i), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement on the land to protect, preserve, 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 floods;

(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) construct 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 be managed by the City to—

(I) 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 floods;

(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 portion 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”); (48 U.S.C. 899 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) to the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), not for 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 paid by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulation) for the Bureau of Land Management land identified as “Lands for Disposal” on the Map; and

(iii) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subclause (II), the Secretary, in consultation with paragraph (4)(B), the land shall, at the discretion of the Secretary, revert to the United States.

(B) MISCELLANEOUS PROVISIONS

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and enhancement of the National Forest System and the City’s interests, to the extent provided in subsection (e)(1).

(C) EASEMENT TO BUREAU OF LAND MANAGEMENT.

(I) 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.

(II) Exception.—The non-Federal land referred to in subparagraph (A) is the approximately 36 acres of land administered by the City and identified on the Map as “To Bureau of Land Management”.

(D) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(E) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT

(I) In general.—Administrative jurisdiction over the approximately 50 acres of Federal land identified on the Map as “Parcel #1” is transferred from the Secretary to the Bureau of Land Management.

(II) Disposition of consideration paid by the City.

(A) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with subsection (c), and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(B) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(i) the land described in subparagraph (B) identified on the Map as “Lands for Disposal” on the Map; and

(ii) the approximately 50 acres of land identified as “Parcel #1” on the Map.

(C) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(I) City zoning ordinances; and

(II) any master plan for the area approved by the City.

(D) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(I) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713); and

(II) otherwise determined by the Secretary through a competitive bidding process; and

(C) for not less than fair market value.

(E) WITHDRAWAL.—

(I) In general.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(aa) all forms of entry and disposal under the public land laws; and

(bb) operation of the mineral leasing and geothermal leasing laws.

(II) Exception.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(E) 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, the postponement under clause (i) shall not be indefinite.

(F) DISPOSITION OF PROCEEDS.

(I) In general.—Of the proceeds from the sale of land under subsections (b) and (c),—

(aa) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(bb) 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—

(aa) 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—

(1) surveys and appraisals; and

(bb) comply with—

(II) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

of land to be held in trust by the United States under subsection (b)(1); and
(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land;
(2) SILVER SADDLE ENDOWMENT ACCOUNT.—
(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special fund 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 outright purchase of the conservation easement established under subsection (b)(3)(B).
(3) 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;
(C) operation of the mineral laws, geo-thermal 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) CORRECTION 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 in accordance with this subsection.
(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the Secretary issues 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 plan is needed—
(A) for administrative purposes; or
(B) to respond to an emergency.
(1) by adding at the end the following:
(A) IN GENERAL.—Subject to
(1) IN GENERAL.—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).
(2) 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. 2701)).
(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)—
(i) 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) residential or recreational development; or
(III) commercial use.
(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary—
(i) shall carry out any thinning and other landscape restoration activities on the land that are beneficial to the Tribe and the Forest Service.
(ii) IN GENERAL.—The sale, lease, or conveyance of land described in paragraph (2)(A) shall be in accordance with this section.
(iii) SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.
(A) DEFINITIONS.—In this section:
(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.
(C) SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.
(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 30, 2000.
(5) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—
(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may acquire, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.
(B) METHOD OF SALE.—(1) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.
DISCRETION OF THE SECRETARY.—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 procedures identical to those established in the City Charter.

DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (B) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (12 Stat. 2345).

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.

NOISE COMPARABILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 7(c)(4) of title 43, 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 conform to a limitation to require uses compatible with that airport noise compatibility planning.

REVERSION.—If any parcel of land in the Transition Area is sold, leased, or otherwise conveyed by the City, the parcel shall revert to the United States, along with any improvements thereon or thereto, at the discretion of the Secretary, not later than 30 days after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

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) the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE, UTAH

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term “Boy Scouts” means the Boy Scouts of America, the national organization of the Boy Scouts of America, as provided in the Boy Scouts of America Charter and Federal Charter Agreement.

(2) TURNABOUT RANCH.—The term “Turnabout Ranch” means the 120-acre parcel that is part of a control project and a water pumping facility at the Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(3) INSTITUTE.—The term “Nevada Cancer Institute” means the nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10411 West Twain Avenue, Las Vegas, Nevada.

(4) 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.

(5) MONUMENT.—The term “Monument” means the Grand Staircase-Escalante National Monument located in southern Utah.

(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 30 days after a request from 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 Institute, 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.

(c) APPRAISAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete an appraisal of 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, subject to valid existing rights, the Federal land, subject to valid existing rights.

(d) 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 Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”. All costs associated with the appraisal shall be borne 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. CONVEYANCE PROCEDURES.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account, in accordance with section 4(e)(1) in the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

5. 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. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 80 acres of land described in section 2(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if transferred to the Secretary by the original patent to the parcel described in paragraph (2)(A) in exchange for no less than fair market value.

(2) MAP.—The term “map” means the map entitled “LANDS TO BE CONVEYED TO TURNABOUT RANCH”, 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) INSTITUTE.—The term “Nevada Cancer Institute” means the nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10411 West Twain Avenue, Las Vegas, Nevada.

(b) LAND CONVEYANCE.—

(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 Ranch, 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 Ranch 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.

(c) DISPOSITION 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 (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 in section 2(e)(1) 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—

(1) 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

(2) SE 1/4 SE 1/4 sec. 24, T. 35 S., R. 9 W., Salt Lake Base Meridian.

(3) Conditions.—In consideration of the 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 parcel described in paragraph (1) by the Director of the Bureau of Land Management, as appropriate, to protect the public lands from erosion and to allow for water quality and wildlife habitat improvements.

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall assemble legal descriptions of the public land to be conveyed by this Act and take into account the exchange under paragraphs (1) and (2) and any other relevant factors.

(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 under section 2306 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2306) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(7) Public Purposes Act; 43 U.S.C. 869 et seq. (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) numbered 43-75-0000 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 in the Douglas County Public Utility District Proposal and dated March 2, 2006.

(b) PUD.—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.

(c) Secretary.—The term "Secretary" means the Secretary of the Interior.

(d) Wells Hydropower Project.—The term "Wells Hydropower Project" means Federal Energy Regulatory Commission Project No. 2149.

(e) 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, the approximately 622 acres of Federal land in the city of Twin Falls, Idaho, 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 appraisal 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 conveyance 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 in the appraisal conducted 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 by this Act.

(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 under section 2306 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2306) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(7) DEDICATED LANDS.—The term "Dedicated Lands" means the approximately 622 acres of land in the city of Twin Falls, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map prepared by the PUD and dated July 28, 2008.

(8) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT CONVEYANCE LAND CONVEYANCE.—

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the city of Twin Falls, Idaho, all right, title, and interest of the United States in and to 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 prepared by the PUD and dated July 28, 2008.

(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 prepared by the PUD and dated July 28, 2008.

(c) MAP ON FILE.—A copy of the map conveying the land described in paragraph (a) shall be made 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 for the Secretary based on his determination of the public purposes of the United States, to revere 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 section (b)(1) 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) LAND CONVEYANCE.—The land described in subsection (c)—

(1) shall not be subject to section 603(c)(1) 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. 1782); 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 identified 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.—

(i) LAND TRANSFER.—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), 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, any 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.

(ii) DEDICATION.—The conveyance of the lands under paragraph (i) shall be made subject to 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.

(iii) CONSIDERATION.—In consideration for the transfer of the lands described in paragraph (i), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreation purposes of $43 U.S.C. 1786 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 sell for cash, to the highest bidder, all or any part of the land described in subsection (a), subject to the rights existing at the time of sale, at the public sale to be held in Park City, Utah, and at such other places as the Secretary shall designate. The sale of the land described in subsection (a) shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be conducted by the President, acting through the Secretary, in accordance with section 311 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than chapter 16 of title 25 of the United States Code as further defined by Stipulation and Judgment entered by Tooele County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(a) Thomas property, pending trust acquisition, 104.50 acres.

(b) Coenepenburg property, pending trust acquisition, 192.70 acres, subject to existing easement of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property conveyed as Easement Deed recorded July 13, 1984, in Volume 751, Pages 2305(a).

(4) Survey.—As soon as practicable after the date of the enactment of this Act, the Office of the Secretary of the Interior shall publish in the Federal Register a notice of the availability of the land described in subsection (a) and make information available to the public at the office of the Secretary of the Interior in Washington, D.C. and/or at the office of the Bureau of Land Management in Salt Lake City, Utah, for a period of 30 days.

(5) Sale.—The Secretary of the Interior shall offer for sale all or any part of the land described in subsection (a) at public auction to the highest bidder at or above the minimum bid of $1,000 per acre, subject to all valid existing rights. The Secretary shall offer the land for sale in parcels of at least 5 acres.

(SECTION 210. 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 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 in and to the railroad lands as defined in subsection (a) of this section are hereby released.

(SECTION 2111. TUOLUMNE BAND OF MUKW 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) are hereby released.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) 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 2 years; and

(B) include—

(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; and

(ii) a summary of any actions taken by the Secretary 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.

(b) TITLE—WYOMING RANGE

(SECTION 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.)

(a) WITHDRAWAL.—Except as provided in subsection (c), 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) Acceptance of Right.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3302) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.
(c) CESSPERS.—Nothing in this section requires—
(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area;
(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 to issue, deny, or have the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sold 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, any 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. 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 in and to the parcel of National Forest System land described in paragraphs (3) and (4), and in and to the parcel of National Forest System land described in paragraph (2).
(b) 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 on 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 an easement across the City parcel of National Forest System land as generally depicted on the map, to provide access to the land conveyed under that paragraph.
(4) REVERSION.—In the event that the Secretary shall revert to the City parcel of National Forest System land in accordance with applicable law, the City shall re-deed to the Secretary the reversion.
(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 3, 2006, and
(C) on file in the office of the Beaverhead-Deerlodge National Forest Service.
(b) 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 in and to 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.
(c) 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.
(d) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall provide 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.
(e) REVERSION.—In the event that the Secretary shall revert to the land conveyed to the County under paragraph (1), the Secretary shall re-deed to the County the reversion.
(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may convey to Jefferson County, Montana, the land described in paragraph (1) by the Secretary.
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 land within the Pecos National Historical Park 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 430/80,604, dated November 18, 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, as defined in 16 U.S.C. 1301.
(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 in 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 City 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 shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(1) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(1) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) if the value is not equal, shall be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) APPRAISAL PRACTICE.—The Secretary shall conduct the 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) 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.

(B) ROUTE.—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.).

(B) 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, in page 82, of the land records of San Miguel County, 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, in page 82, of the land records of San Miguel County, New Mexico.

(B) SANTA FE NATIONAL FOREST LAND CONVEYANCE—

(1) IN GENERAL.—The term "Secretary" means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(2) SATISFACTION OF CLAIM.—The Secretary shall constitute a full satisfaction of the Claim.

(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, or to the survey and legal description of the non-Federal land, as the Secretary determines necessary for the purpose of protecting the United States.

(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; or

(ii) the date on which the Secretary of the Interior approves the easements under subparagraph (C)(i), if the City conveys to the Secretary a revised map that depicts—

(A) the grant by the Claimants to the United States on the terms and conditions of the easement described in subsection (b)(2);

(B) a release of the United States by the Claimants of the Claim.

(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.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties in the 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, Williamette 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 city in the city of the real property conveyed under subsection (a) is being used in a manner inconsistent 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 to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) 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 COUNTY 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. 84-87-0008, 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".

(iii) the date on which the Secretary of the Interior approves the easements under paragraph (1), if the City conveys to the Secretary a revised map that depicts—

(A) the grant by the Claimants to the United States on the terms and conditions of the easement described in subsection (b)(2);

(B) a release of the United States by the Claimants of the Claim.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

(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, or to the survey and legal description of the non-Federal land, as the Secretary determines necessary for the purpose of protecting the United States.
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) BOUNDARY ADJUSTMENT MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b) shall be:

(A) shall be equal, as determined by appraisal, in accordance with paragraph (2), unless 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.

(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); or

(f) CONDITIONS.—

(1) LIABILITY.—

(A) Exchanges.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

1976 (43 U.S.C. 1716); or

(ii) hold the United States harmless for any liability for the condition of the Federal land; and

1976 (43 U.S.C. 1716); or

(ii) require that the City—

(1) LAND DESIGNATED FOR EXCLUSION.—The wilderness area shall be in the public interest.

(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; or

(ii) compliance 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)).

(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. (A) IN GENERAL.—In conveying the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width, be reserved for the Bonneville Shoreline Trail.

(B) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way, 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.—

(A) IN GENERAL.—The Secretary may, by sale or exchange, 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.

(B) REQUIREMENTS.—A determination under paragraph (1) shall be—

(A) pursuant to 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.).

(j) 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.


(l) 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.

(m) 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;

(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; and

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(c) AVAILABILITY OF MAP.—The map shall be—

(i) in paragraph (1), by inserting "3," after "sections"; and

(ii) in the first sentence of paragraph (4), by inserting "a, as a condition of the conveyance," before "remain".

(2) REQUIREMENTS.—A determination under paragraph (1) shall be—

(A) pursuant to 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.


(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.

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(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; and

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(c) AVAILABILITY OF MAP.—The map shall be—

(i) in paragraph (1), by inserting "3," after "sections"; and

(ii) in the first sentence of paragraph (4), by inserting "a, as a condition of the conveyance," before "remain".

(2) REQUIREMENTS.—A determination under paragraph (1) shall be—

(A) pursuant to 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.).

(j) 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.


(l) 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.

(m) 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;

(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; and

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(c) AVAILABILITY OF MAP.—The map shall be—

(i) in paragraph (1), by inserting "3," after "sections"; and

(ii) in the first sentence of paragraph (4), by inserting "a, 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 are 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 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) STATE HIGHWAY 93.—The term "State Highway 93" means State Highway 93, south and east of Colorado Springs, through the Chief of the Forest Service.

(4) UNDEVELOPED LAND.—The term "undeveloped land" means land that is part of the mountain backdrop area.

(5) MOUNTAIN BACKDROP STUDY.—The term "Mountain Backdrop Study" means the map entitled "Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area," and dated August 27, 2008.

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

(7) BAND.—The term "band" means a strip of land that is part of the mountain backdrop area.

(8) PROPOSAL.—The term "proposal" means the Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for a 10-year period.

(9) PROGRAM.—The term "program" means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(10) STRATEGY.—The term "strategy" means a landscape restoration strategy described in section 4003(b)(1).

(11) DEVELOPMENT.—The term "development" means any activity that results in a physical change to the land, including land use activities.

(12) REPORT.—The term "report" means a report required under this Act.

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 party 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) Colorado Outdoors 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.
(A) local private, nonprofit, or cooperative entities;  
(B) Youth Conservation Corps crews or related partnerships, with State, local, and nonprofit youth groups;  
(C) existing or proposed small or micробusinesses, clusters, or incubators; or  
(D) other entities that will hire or train localpeople to complete such contracts, grants, or agreements; and  

(b) 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) include 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 pay for, 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 proposals that—  
(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) Membership.—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—  
(A) fund the implementation of the strategy;  

(B) pay up to 50 percent of the cost of carrying out 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 section 2619 of title 31 or otherwise made available to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).  

(4) Expenditures from Fund.—  
(A) In general.—On request by the Secretary, the Secretary of the Treasury shall transfer to the Secretary such sums 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 $20,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.  

(7) 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—  
(A) identify 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;  

(B) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and  

(C) 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) treatments carried out 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 potential or negative social, economic, and environmental impacts of all activities carried out under this strategy, including the Fund.  

(5) Report.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration treatments on National Forest System land under this section and 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—
(i) the Committee on Energy and Natural Resources of the Senate;
(ii) the Committee on Appropriations of the Senate;
(iii) the Committee on Natural Resources of the House of Representatives; and
(iv) 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. 1273(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 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 6.5-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 River Headwaters Legacy Act of 2008”.
(b) FINDINGS; PURPOSES.—
(1) FINDINGS.—Congress finds that—
(A) 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 of 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 residents and visitors; and
(ii) are national treasures; and
(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 headwater systems 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 headwater systems 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 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.

(205) SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) (as amended by section 1851) is amended by adding at the end the following:
“(A) BOWIE CREEK.—The 7-mile segment from its source to its confluence with the Hoback River, as a wild river.
(B) BLACKROCK CREEK.—The 22-mile segment from its source to its confluence with the Bridger-Teton National Forest boundary, as a scenic river.
(C) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—
(i) the 16.5-mile segment from its source to Darwin Ranch, 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.
(D) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—
(i) the 5.5-mile segment from its source to Darwin Ranch, as a wild river; and
(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.
(E) 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.
(F) HUNTER RIVER.—The portions of the Hunter River, consisting of—
(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river; and
(ii) the 4-mile segment from the confluence with the Snake River to its confluence with the Snake River, as a scenic river.
(G) JOHN DAY RIVER.—The portions of the John Day River, consisting of—
(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river; and
(ii) the 10-mile segment from the point 10 miles downstream 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 confluence 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) SHOSHONE 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 its mouth 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 between 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 its point 16 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 submit 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 management plan designated by this section, an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(2) QUANTITY OF WATER RIGHTS RESERVED FOR DEBT.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved for debt by this section. The Secretary shall submit to the appropriate committees of Congress, as determined by the Secretary, a study to the appropriate committees of Congress.

(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, V T E R M .—The approximately 25-mile segment from the Canadian border in East Richmond to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River."

(2) COOPERATIVE AGREEMENTS.—To provide for the flow restoration, 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. 1277(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall—

(A) be administered as a unit of the National Park System; or

(B) be subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances of the State or applicable political subdivision of the State in which the river segment is located that is designated as a Wild and Scenic River under the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) may not acquire any parcel of land by condemnation.

(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) Subsection (a) is amended by substituting "5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river." for "5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.".
State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the Metacomet-Monadnock-Trail System National Scenic Trail Feasibility Study and Environmental Assessment, prepared by the National Park Service, and dated Spring 2006. The trail will not acquire any land or interest in land without the consent of the owner.

(b) MANAGEMENT.—The Secretary of the Interior shall or referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in 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, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, as determined 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 national 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 5 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.

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 catastrophic floods occurred in what is now the Pacific Northwest, leaving a lasting mark of dramatic and distinctive 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 preserved by the United States by virtue of the fact that the trail is a national scenic trail.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the catastrophic floods that occurred during the last Ice Age from the melting of the last ice sheet and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (d)(3).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) CONTENTS.—The plan shall—

(1)-name the trail and identify the boundaries of the Ice Age Floods National Geologic Trail designated by subsection (c).

(2) DESIGNATION.—In order to provide for public access and educational opportunities, the Secretary shall establish the Ice Age Floods National Geologic Trail.

(3) TRAIL MANAGEMENT OFFICE.—To improve public participation in the planning, acquisition, protection, operation, development, or maintenance of the trail, the Secretary may establish a Trail Management Office.

(4) INTERPRETIVE FACILITIES.—The Secretary shall provide for interpretive facilities for sites associated with the Ice Age floods, and shall coordinate federal and state agencies and private entities located along the pathways of the floods, in the development of interpretive facilities, waysides, roadside exhibits, media, and programs that present the story of the floods to the public effectively.

(d) LOCATION.—The route of the trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P438/30,000 and dated June 2004.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(29) 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 General Marquis de 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.”
\begin{verbatim}
"(C) Administration.—The trail shall be administered by the Secretary of the Interior, in consultation with—
\begin{itemize}
\item (i) other Federal, State, tribal, regional, and local agencies;
\item (ii) the private sector.
\end{itemize}

\textbf{(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.}"

\textbf{SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.}

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following:

\textbf{(3D) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—}

\begin{itemize}
\item (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 in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail—Proposed Trail’, numbered T12S800,000, and dated February 2008 (referred to in this paragraph as the ‘map’).
\item (B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.
\item (C) Administration.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.
\item (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.
\end{itemize}

\textbf{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:

\begin{itemize}
\item (B) by adding at the end the following: 
\item (i) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.
\item (ii) The land components of the designated water routes in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.
\item (iv) The land components described in clauses (i) through (iii).
\end{itemize}

\textbf{SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.}

(a) Authority To Acquire Land From Willing Seller.—

\begin{itemize}
\item (I) 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.''.
\item (II) Nez Perce National Historic Trail.—Section 5(a)(4) of the National Trails System Act 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.''.
\end{itemize}

\textbf{SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL TRAIL SYSTEMS.}

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

\begin{itemize}
\item (C) Authorization of Appropriations.—
\item (i) In general.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).
\item (ii) Natchez Trace National Scenic Trail.—For the trail described in subsection (a), there are authorized to be appropriated not more than $1,500,000 for each of fiscal years 2009 through 2019.
\end{itemize}
\end{verbatim}
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 Historical Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(ii) Upper Columbia River.
"(iii) Owyhee River.
"(iv) Fort Meeker cutoff.
"(v) Fort Hall Road.
"(vi) North Alternate Oregon Trail.
"(vii) Goodale's cutoff.
"(viii) Council Bluffs 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 1840–1870 and dated 1991/1993, and of such other routes of the California 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 California National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) Missouri Valley routes.
"(ii) Blue Hills-Independence Road.
"(iii) Westport Landing Road.
"(iv) Westport-Lawrence Road.
"(v) Fort Leavenworth-Blue River route.
"(vi) Road to Amazonia.
"(vii) Union Ferry Route.
"(viii) Old Wyoming-Nebraska City cutoff.
"(ix) Lathrop Route.
"(x) Lower Bellevue Route.
"(xi) Woodbury cutoff.
"(xii) Blue River cutoff.
"(xiii) Westport Road.
"(xiv) Sunflower County route.
"(xv) Gap Springs-Fort Leavenworth route.
"(xvi) Atchison/Independence Creek routes.
"(xvii) Fort Leavenworth-Kansas River route.
"(xviii) Nebraska City cutoff routes.
"(xix) Minersville-Nebraska City Road.
"(xx) North Side Alternate Route.
"(xxi) Bidwell-Bartleson route.
"(xxii) Council Bluffs Road.
"(xxiii) North Alternate Oregon Trail.

"(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 1840–1870' 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) 1858–59 Ute Mountain route (Colorado).
"(iv) 1847–48 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 1840–1870 and dated 1991/1993, and of such other routes of the California Trail 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) Gilbert Route.
"(iv) Applegate route.
"(v) Old Fort Kearny Road (Oxbow Trail).
"(vi) Chiloquin.
"(vii) Rainy River to Applegate.,

"SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5303 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) 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, and northward through or near 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.

"(C) EFFECT.—Nothing in title II of the Act shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

"(D) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

"TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this title:

(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) water conservation;

(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;

(v) any Indian tribe that—

(I) is located 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; and

(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;
section 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 core projects in accordance with the goals of a watershed group.

(b) application.—

(1) of any section 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 consideration of applications submitted in accordance with the application process.

(c) distribution of grant funds.—

(i) 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 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 to plan and carry out watershed management projects.

(iii) distribution of grants.—for each year of the 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.

(iv) effect of determination.—if the secretary determines that the progress of a grant recipient during the year justifies additional funding, the secretary may provide additional funding.

(b) second phase.—

(i) funding limitation.—a grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(ii) annual determination of eligibility.—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.

(iii) effect of determination.—if the secretary determines that the progress of a grant recipient during the year justifies additional funding, the secretary shall provide additional funding.

(iv) advancement condition.—a grant recipient shall not be eligible to receive a third-phase grant unless the secretary determines that the grant recipient—

(A) has completed all requirements of the second-phase grant; and

(B) has achieved or exceeded 80 percent of the total amount of the grant.

(c) third phase.—

(i) funding limitation.—a grant recipient that receives a third-phase grant shall use the funds to plan and carry out watershed management projects.

(ii) annual determination of eligibility.—for each year of the third-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.

(iii) effect of determination.—if the secretary determines that the progress of a grant recipient during the year justifies additional funding, the secretary shall provide additional funding.

(iv) advancement condition.—a grant recipient shall not be eligible to receive a fourth-phase grant unless the secretary determines that the grant recipient—

(A) has completed all requirements of the third-phase grant; and

(B) has achieved or exceeded 80 percent of the total amount of the grant.

(d) priority for watershed groups.—nothing in this section 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 3038 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 who was 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 into a permanent position established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

"(i) the Secretary shall 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


(1) in subsection (a)—

(A) by striking "(a) ESTABLISHMENT.—(1) When" and inserting the following:

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—

"(A) RESTATEMENT.—

"(B) in paragraph (2), by striking "and" and inserting "or".

"(C) EFFECTIVE DATE.—The establishment of the refuge under paragraph (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.

(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 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 the same manner that the water rights have been historically used.

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 non-paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in no 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 that are 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 Archaelogical Resources Protection Act of 1979 (16 U.S.C. 470bbb(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)).

(b) COORDINATION.—To the extent possible, the Secretary of Agriculture with respect to National Forest System land under the jurisdiction of the Secretary of the Interior, except Indian land; and the Secretary of the Interior, except Indian land; shall coordinate in the same manner as any other employee hired as part of the competitive service.

Subtitle E—Collective Management of the Baca National Wildlife Refuge

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 the protection of paleontological resources, data, and records. 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 significant paleontological resources.
any paleontological resources located on Federal land unless such activity is con-
ducted in accordance with this subtitle; (2) exchange, transport, export, receive, or offer to exchange, transport, export, or re-
ceive any paleontological resource if the per-
son knew or should have known such re-
source to have been excavated or removed from the possession or control of another person, the amount of a penalty assessed under paragraph (2) may be doubled; (3) sell or purchase or offer to sell or pur-
chase any paleontological resource if the person knew or should have known such re-
source to have been excavated, removed, sold, hired, 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 identifica-
tion of, any paleontological resource excava-
ted 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 for 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 restora-
tion or replacement of such resources does not exceed $500, such person shall be fined in ac-
cordance 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 paragraph (2) may be doubled. (e) GENERAL EXCEPTION.—Nothing in sub-
section (a) shall apply to any person with re-
spect 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.—A person who violates any prohibition contained in an applicable regu-
lation or permit issued under this subtitle may be assessed a penalty by the Secretary after notice and opportunity for a hearing with respect to the viola-
tion. Each violation shall be considered a separate offense for purposes of this section. (2) In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (1) shall be determined under regulations promul-
gulated 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 Secre-
tary. (B) The cost of response, restoration, and repair of the resource and the paleontologi-
cal 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 pen-
alty 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) 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 Co-
lumbia or in the district in which the viola-
tion is alleged to have occurred within the 30-day period following the mailing of the order, or making the assessment was issued. Upon no-
tice of such filing, the Secretary shall promptly file a certified copy of the record on which the penalty was assessed. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evi-
dence 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 accrued prior to 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 de-
te all issues related to the validity, amount, and appropriateness of such penalty shall 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 as provided in section 554 of title 5, United States Code. (d) USE OF RECOVERED AMOUNTS.—Pen-
alties collected under this section shall be available to the Secretary and without fur-
furth appropriation may be used only as fol-
lores: (1) To protect, restore, or repair the pale-
ontological resources and sites which were used in connection with the violation, or any other Federal land; (2) 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; or (2) if no such regulation exists, an amount up to 25% 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 pro-
vided the information, the amount shall be divided among the persons. No officer or em-
ployee of the United States or of any State or local government who furnishes informa-
tion or renders service in the performance of that official duty is eligible for pay-
ment under this subsection. (b) FORFEITURE.—All paleontological re-
sources with respect to which a violation is alleged to have 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 provi-
sions of law relating to the seizure, for-
feiture, and disposal of property for a viola-
tion of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeitures, as well as the procedural provi-
sions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfei-
tures 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 re-
source shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary deter-
moves that disclosure would— (1) further the purposes of this subtitle; (2) result in harm to or theft or destruction of the resource or the site con-
taining the resource; and (3) be in accordance with other applicable laws. SEC. 6310. REGULATIONS. As soon as practicable after the date of en-
actment of this Act, the Secretary shall issue regulations to implement and car-
out this subtitle, providing opportuni-
ties for public notice and comment. SEC. 6311. SAVINGS PROVISIONS. Nothing in this subtitle shall be construed to— (1) invalidate, modify, or impose any addi-
tional restrictions on any activities permitted or re-
quires 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 regu-
l of the activities authorized by the aforementioned laws including but not lim-
ited 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 Sur-
plus Disposal Act of 1980, the Surface Mining Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Ad-
mistration Act (16 U.S.C. 478, 482, 551); (2) invalidate, modify, or impose any addi-
tional restrictions on any activities permitted at any time under existing laws and authorities re-
lating 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 pro-
tection for paleontological resources located on Federal land in the protection provided under this subtitle; or (6) create any right, privilege, benefit, or entitlement for any person who is not an of-
ficial of the United States, an employee of the United States, or an employee of any State or local government who is acting in that capacity. No person who is not an of-
 icial of the United States, an employee of the United States, or an employee of any State or local government who is acting in that capacity shall have standing to file civil action in a district court of the United States to enforce any provision or amend-
ment made by this subtitle. SEC. 6312. AUTHORIZATION OF APPROPRIATIONS. Authorization of appropriation for such sums as may be necessary to carry out this subtitle.
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 Sítkinak Island, as generally depicted on the map.

(3) MAP.—The term "map" means each of—

(A) the map entitled "Izembek and Cold Bay, Alaska National Wildlife Refuge" and dated September 2, 2008; and

(B) the map entitled "Sítkinak 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 14 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.), 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 Agdaugx 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, Alaska, and Cold Bay, Alaska.

(b) Compliance With National Environmental Policy Act of 1969 and Other Applicable Laws.—

(1) Mitigation.—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) relating to the valuation, appraisal, or equalization of land.

(2) Environmental Impact Statement.—

(A) In General.—Not later than 60 days after the date on which the Secretary receives notification by the Corporation and the State of the intention to enter into an agreement for the exchange of land under subsection (a), the Secretary shall prepare a draft environmental impact statement as required under section 300 of the California Environmental Quality Act (740 U.S.C. 5030 et seq.).

(B) Requirements.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) a map of the proposed land exchange; and

(ii) an analysis of the potential construction and operation of a road between the communities of King Cove, Alaska, and Cold Bay, Alaska.

(c) Public Interest Determination.—

(1) General.—Subject to clause (2), the Secretary shall—

(A) determine that the proposed land exchange (in subsection (a)) is necessary to accomplish the purposes of the King Cove Access Project and that—

(i) the proposed land exchange is necessary for the construction of a single-lane gravel road between the communities of King Cove, Alaska, and Cold Bay, Alaska; and

(ii) the land exchange would be subject to any other term or condition that the Secretary determines to be necessary.

(B) except as provided in subsection (c), carry out the land exchange under subsection (a), the Secretary shall—

(i) ensure that the land exchange (in subsection (a)) is necessary to accomplish the purposes of the King Cove Access Project and that—

(ii) the land exchange would be subject to any other term or condition that the Secretary determines to be necessary.

(B) limitations.—The Secretary shall carry out the land exchange under subsection (a) if the Secretary determines that the land exchange (in subsection (a)) is necessary to accomplish the purposes of the King Cove Access Project and that—

(1) the land exchange will not be subject to any other term or condition that the Secretary determines to be necessary.

(2) the land exchange will be subject to any other term or condition that the Secretary determines to be necessary.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—

(A) Mitigation Measures Relative to the Passage of Migratory Birds.—The Secretary shall—

(i) conduct an analysis of the effects of the land exchange on the passage of migratory birds; and

(ii) ensure that the land exchange will have no adverse impact on the passage of migratory birds.

(B) Mitigation Measures Relative to the Passage of Endangered Species.—The Secretary shall—

(i) conduct an analysis of the effects of the land exchange on the passage of endangered species; and

(ii) ensure that the land exchange will have no adverse impact on the passage of endangered species.

(4) Additional Terms and Conditions.—

(A) A Mitigation Plan.—The Secretary shall ensure that the land exchange (in subsection (a)) is consistent with any applicable law (including regulations) of the State; and

(B) Additional Terms and Conditions.—The Secretary shall ensure that the land exchange (in subsection (a)) is consistent with any applicable law (including regulations) of the State.

(d) Requirements Relating to Use, Barrier Cables, and Dimensions.—

(A) General.—Except as provided in subsections (b) and (c), the land exchange under subsection (a) shall be subject to the following:

(i) the land exchange will be subject to any other term or condition that the Secretary determines to be necessary.

(ii) the Secretary shall—

(I) ensure that the land exchange (in subsection (a)) is necessary to accomplish the purposes of the King Cove Access Project and that—

(A) the land exchange will be subject to any other term or condition that the Secretary determines to be necessary.

(B) the land exchange will be subject to any other term or condition that the Secretary determines to be necessary.

(B) Limitations.—The Secretary shall—

(i) ensure that the land exchange (in subsection (a)) is necessary to accomplish the purposes of the King Cove Access Project and that—

(ii) the land exchange will be subject to any other term or condition that the Secretary determines to be necessary.
to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effects of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(a) In general.—Upon completion of the land exchange under section 6402(a)—
(1) Federal lands.—Upon completion of the land exchange, all Federal lands conveyed under the Exchange Act shall be returned to the Federal land management agencies in accordance with the laws and regulations governing such Federal lands.
(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—
(A) be returned to the National Wildlife Refuge System, as appropriate, and administered by the Secretary in accordance with the provisions of this subtitle.
(B) be returned to the States, as appropriate, and administered in accordance with the laws and regulations of the State or States concerned.
(C) be returned to the States, as appropriate, and administered in accordance with the laws and regulations of the State or States concerned.

(b) Extension of Authority.—If a construction permit has been issued during a construction permit period the 7-year authority shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(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 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 period, as appropriate, shall extend for a time period equivalent to the 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 status prior to the land exchange as provided in section 6405 shall be restored.

Subtitle F—Wild 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.
(4) Secretaries.—The term ‘‘Secretaries’’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6502. WILDLIFE 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 rules 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; and
(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; and
(2) establish 1 or more accounts to receive grant funds.

(d) Application of Section 6405.—Upon completion of the land exchange under section 6402(a), the land exchange shall be null and void.
(e) 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—
(1) to the Secretary for grants to States and Indian tribes to carry out this subtitle, $3,000,000, which shall expire at the end of the fiscal year 2009 and each fiscal year thereafter.

Title VII—National Park Service Authorities

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.
(b) Commission.—The term ‘‘Commission’’ means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (f).
(c) Historic District.—The term ‘‘Historic District’’ means the Paterson Great Falls Historic District in the State.
(d) Management Plan.—The term ‘‘management plan’’ means the management plan for the Park developed under subsection (d).
(e) Park.—The term ‘‘Park’’ means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).
(f) Secretaries.—The term ‘‘Secretaries’’ means the Secretary of the Interior and the Secretary of Agriculture.
(g) State.—The term ‘‘State’’ means the State of New Jersey.
(h) Paterson Great Falls National Historical Park.—The term ‘‘Park’’ means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).
The Park shall not be established until the date on which the Secretary determines that—

(i) the Secretary has acquired sufficient land or interests 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.

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 compatible with the designations associated with the Historic District.

(ii) the public entity will provide funds for the implementation of related historic and cultural resources within the boundary of the Historic District.

(c) Rights 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 provide access at all reasonable times to all public portions of the property covered by the agreement for the purposes—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(d) 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.

(e) Concession, use, or disposal.—Any property made available by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a property attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal, shall constitute a quorum.

(f) Donations of state owned land.—Land or interests in land owned by the State or City, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(g) 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.

(h) 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.

(i) 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).

(3) Term; vacancies. —

(A) Term. — A member shall be appointed for a term of 3 years.

(B) Reappointment. — A member may be reappointed for not more than 1 additional term.

(4) Vacancies. — A vacancy on the Commission shall be filled in the manner as the original appointment was made.

(5) Meetings. — The Commission shall meet at the call of the Chairman, or the Vice Chairman.

(C) Quorum. — A majority of the Commission shall constitute a quorum.

(6) Chairperson and vice chairperson. — The Commission shall—

(A) designate a Chairperson and Vice Chairperson from among the members of the Commission. The Chairperson shall be the Chairperson in the absence of the Chairperson.

(B) Chairperson. — The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) Term. — A member shall serve as Chairperson or Vice Chairperson for not more than 3 years in any one office.

(7) 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 subsection (a) 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.—
(1) 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;

or

(III) any entity represented on the Commission.

(b) 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 as a National Historic Landmark.

(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 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 sites of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Violation 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 sites 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.—

(I) 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) Land Acquisition.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (3).

(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.

(c) Authorization of Appropriations.—

(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 to the Secretary, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary regarding the interpretation of the site.

(B) Consultation.—The Secretary shall consult with and solicit advice and recommendations from the local, county, state, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(d) Inclusiveness.—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.

(E) 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.

(F) Cooperative Agreements.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations with respect to this section.

(g) 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.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Title B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDS FOR KEEWEAN NATURAL HISTORICAL PARK.

(a) Acquisition of Property.—Section 4 of Public Law 102-548 (16 U.S.C. 410yy-3) is amended by striking subsection (d).

(b) Matching Funds.—Section 8(b) of Public Law 102-548 (16 U.S.C. 410yy-7(b)) is amended by striking "$4" and inserting "$1".

(c) Authorization of Appropriations.—Section 18 of Public Law 102-548 (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 "$50,000,000".

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. 161) 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 may enter into cooperative agreements with the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1) for—

(i) the preservation of the character of the property described in subsection (b); and

(ii) the treatment of previously developed property.

(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 subsequent development, or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A); and

(C) General management plan.—Notwithstanding any other provision of law, the Secretary may designate as a National Historic Site any property under paragraph (1) if the Secretary determines that designation as a National Historic Site is necessary to—

(i) protect the site from further development;

(ii) preserve the site’s historic significance; and

(iii) foster public understanding of the site’s significance.

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. 688q) 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 lands 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. HOPPEWELL 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 (116 Stat. 185), is amended—

(1) by striking "and" at the end of subsection (a)(3); and

(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 map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007, " and

(5) in subsection (c), by striking "map" and inserting "maps".

Title C—Additional National Park System Units

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY EXPANSION.

(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 of subsection (b), by striking "$100,000" and all that follows through "those duties" and inserting "$50,000,000".

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by striking "of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit—Jean Lafitte National Historical Park and Preserve' numbered 467/80100-A, and dated December 2007.", and inserting "generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve' numbered 467/80100-A, and dated December 2007.".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1976 (16 U.S.C. 230b) 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.—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.—

"(1) 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 any parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

(iii) 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 Army.

(C) TRANSFER OF ADMINISTRATION JURISDICTION.—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 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Army.

(D) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1976 (16 U.S.C. 230b) is amended—

(1) by striking the first sentence; and

(2) by inserting the following:

"(A) 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 areas depicted on the map, to be added to Everglades National Park.

(B) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1976 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence and inserting "(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 1976 (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. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1)Definitions.—In this section:

(A) THE TARPON BASIN.—The term "TARPON BASIN" means the area depicted respectively on the map entitled "Proposed Tarpon Basin Boundary Revision", numbered 160/601,012, and dated May 2008.

(B) THE 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 areas 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).

(E) ACQUISITION OF LAND.—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) THE COMPANY.—The term "THE 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.


(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) is owned by the Company;

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) THE COMPANY.—The term "THE 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) THE COMPANY.—The term "THE COMPANY" means Florida Power & Light Company.


(E) NATIONAL PARK.—The term "NATIONAL PARK" means the Everglades National Park located in the State.

(F) 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) is owned by the Company;

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) THE COMPANY.—The term "THE 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) THE COMPANY.—The term "THE COMPANY" means Florida Power & Light Company.
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) 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 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.—Subject to subparagraph (A) shall—
(i) become part of the National Park; and
(ii) be administered in accordance with the terms and conditions as the Secretary may administer.

(G) 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.

(SECTION 7108. KALAUPAPA NATIONAL HISTORICAL PARK.)

(a) IN GENERAL.—The Secretary of the Interior shall—
(A) display in an appropriate manner the memorial authorized by section 7109(a)(1)—
(i) in Kalaupapa Peninsula, the Kalaupapa Park, and the Kalaupapa National Historical Park; and
(ii) at other appropriate locations in the State, including the South Florida Water Management District.

(b) DESIGN.—
(1) IN GENERAL.—The memorial authorized by subsection (a) shall—
(A) display in an appropriate manner the memorial authorized by section 7109(a)(1); and
(B) become part of the National Park and be administered in accordance with the terms and conditions as the Secretary may administer.

(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of resident families at Kalaupapa National Historical Park, the State, their family members, and friends, shall be authorized to accept donations and be responsible for acceptance of contributions for and payment of costs associated with the establishment of the memorial.

(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 enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—
(i) the appraisations or other carryout of 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-1(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”

(2) DONATIONS.—Section 1028(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk-11(e)(11)) is amended by striking “Nothwithstanding” and inserting “Notwithstanding.”

(SECTION 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, 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 403.00.00, dated April 2000.

(c) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with the procedures 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, structures, and objects of national significance, and for other purposes,” approved August 21, 1935 (46 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.

(e) 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 enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—
(i) the appraisations or other carryout of 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-1(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”

(2) DONATIONS.—Section 1028(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk-11(e)(11)) is amended by striking “Nothwithstanding” and inserting “Notwithstanding.”

(SECTION 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, 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 403.00.00, dated April 2000.

(c) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with the procedures 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, structures, and objects of national significance, and for other purposes,” approved August 21, 1935 (46 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.
(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) 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.—

"(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) DESIGNATION 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) Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

"(3) educational, commemorative, research, or interpretive nature that the Secretary determines to be appropriately related to the struggle for women's suffrage.

"(f) COOPERATIVE AGREEMENTS AND MEMORANDUMS 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.—The Secretary is 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 participating in the Trail.

"(3) ADDITIONAL LAND.—

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.

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 Historical Park 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.


"(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';

"(C) by striking ‘his historic site’ each place it appears and inserting ‘historical park’;

"(D) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historical Park Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsections (a) and (b)) is amended—

"(1) in paragraph (1), by striking '(1) The historical park' and inserting the following: 'HISTORICAL PARK';

"(2) by altering a map described in subsection (a) or (b); and

"(3) by inserting after paragraph (1) the following: HISTORICAL PARK.

"(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. 7112. Martin Van Buren National Historic Site.

(a) DEFINITIONS.—In this section:


"(2) MAP.—The term "map" means the map entitled "Boundary Map, Martin Van Buren National Historic Site" number '461/ 80801', and dated January 2005.

"(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(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)”; and

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) TECHNICAL CORRECTIONS.—(1) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (119 Stat. 1132 note; Public Law 108–147), 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 Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

(b) ARLINGTON HOUSE LAND TRANSFER.—


(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.

(1) NAME ON MAP.—Section 333(b)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 110–63; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

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. ADDITIONAL AREAS INCLUDED IN PARK.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—The Dayton Aviation Heritage National Historic Park, Ohio, shall include the following:


(b) PROTECTION OF HISTORIC PROPERTIES.—


(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall include the following sites, as generally depicted on a map entitled “Dayton Aviation Heritage National Historic 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."

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.


(1) IN GENERAL.—The Secretaries shall conduct a study to assess—

(A) the existing boundaries of the park; and

(B) the utility and feasibility of designating a portion of the park as the Dayton Aviation Heritage National Historic Park, including consultation with appropriate Federal, State, and local government entities; and

(2) REPORT.—Not later than 18 months 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 that describes—

(1) the utility and feasibility of designating a portion of the park as the Dayton Aviation Heritage National Historic Park; and

(2) any other designation or management option that would provide for—

(A) protection of resources within the study area; and

(B) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretary 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 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 utility and feasibility of designating a portion of the park as the Dayton Aviation Heritage National Historic Park; and

(2) any other designation or management option that would provide for—

(A) protection of resources within the study area; and

(B) continued access to, and use of, the study area by the public.
(A) the results of the study; and
(B) any recommendations of the Secretary.

(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) SOURCES OR USE.—The study shall include an evaluation of—
(A) the significance of the site as part of the history of World War II;
(B) the significance of the site as the site relates to other war relocation centers;
(C) the historical resources of the site, including the stockade, that are intact and in place;
(D) the contributions made by the local agricultural community to the World War II effort; and
(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate a report containing—
(A) the results of the study; and
(B) any findings, conclusions, and recommendations of the Secretary.

(5) 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, IOWA.
(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 Burlington, Iowa, 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 RESOURCE 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 Battle of Shepherdstown in Shepherdstown, West Virginia; and
(2) the suitability and feasibility of designating the Shepherdstown battlefield and sites relating to the Battle of Shepherdstown as a 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) CONTENTS.—The study authorized by subsection (a) shall include—
(1) the results of the study conducted under subsection (a); and
(2) any recommendations of the Secretary.

SEC. 7206. HARRY 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.

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 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 of Matewan, West Virginia, 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. 7210. COLD WAR SITES THEME STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(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; and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall conduct 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, and 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 GERONIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERONIMO.—The term “Fort San Geronimo” also known as “Fortín de San Gerónimo” means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(b) 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.

(c) STUDY.—In general.—The Secretary shall conduct a special resource study of Fort San Gerónimo and other related resources, to determine—

(1) 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

(2) 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.

(d) 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)).

(e) 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 encourage citizens, patriotic organizations, 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.—In general.—There is established a national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall provide 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 resources and associated sites on a national, State, and local level.

(2) **FINANCIAL ASSISTANCE**.—To carry out paragraph (1), the Secretary may make grants to, or enter into contracts with, States, tribes, local governments, nonprofit organizations, universities, and other eligible entities to provide technical and financial assistance to carry out historic preservation planning activities.

(3) **AUTHORIZATION OF APPROPRIATIONS**.—There is authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(A) **Battlefield Acquisition Grant Program**.

(B) **Establishment**.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to carry out projects to acquire interests in eligible sites for the preservation and protection of those eligible sites.

(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.

(4) **eligibility**.—The term "eligibility" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the site or area (such as landscape, building, or trail systems), and culture of the site or area.

(5) **Program**.—The term "program" means the Preserve America Program established under subsection (c)(1).

(6) **Secretary**.—The term "Secretary" means the Secretary of the Interior.

(7) **Establishment**.—

(A) 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, nonprofit organizations, and other eligible entities to provide technical and financial assistance to carry out historic preservation planning activities.

(B) **Eligible Projects**.—

(A) In general.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(A) research on, and documentation of, the history of a community; and

(B) 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 projects) for 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) **Preparation**.—In providing grants under this section, the Secretary shall only provide a grant to each eligible project selected for a grant.

(8) **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.

(9) **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 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.

(10) **Cost-sharing requirement**.—

(A) In general.—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.

(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, 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**.

(A) **Application**.—The Council is authorized to provide grants to 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)).

(B) **Consultation**.—The Council, in consultation with the Secretaries of the Interior and of Agriculture, shall establish guidelines that are necessary to carry out this section.

(C) **Regulations**.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(D) **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. 7302. PRESERVE AMERICA PROGRAM.**

(a) **Purpose**.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America 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:

(C) **Requirement**.—The term "requirement" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the site or area (such as landscape, building, or trail systems), and culture of the site or area.
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 in this section.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(7) 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 the eligibility criteria established under paragraph (5).

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not more than 50 percent shall be available for grants for programs to preserve collections and historic properties, to be carried out through a competitive grant program 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 eligible for 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 Secretary’s determination—

(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 competitive grant under this section to an eligible entity for 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 a grant under this section to a nonprofit entity unless the project—

(i) has a clear public benefit; and

(ii) is able to be completed on schedule and within the budget described in the grant application.

(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 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.—A competitive grant shall be provided only if 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. 7301A. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by adding 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. 7401A. NA HOA PILI O KALOKO-HONOKOAU ADVISORY COMMISSION.

Section 5(a) of the Na Hoa Pili O Hoa Pili O KALOKO-HONOKOAU Administration Act of 1998 (16 U.S.C. 396a(4)(b)) is amended by adding the following:

"SEC. 5(a).—There is authorized to be appropriated to the National Parks and Recreation Administration for the fiscal year beginning October 1, 2009, $200,000 for the fiscal year beginning October 1, 2010, and $250,000 for the fiscal year beginning October 1, 2011."
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 cultural activities 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) provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and;
(G) 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) 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.

(d) ELECTION.—The Chairperson and the Vice Chairperson of the Commission shall be elected by the members of the Commission on an annual basis.

(e) Vicere Chairperson.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(f) Executive Director.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(g) POWERS.— (1) POWERS.—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.

(h) 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.

(i) 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 may be 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, own, or hold property.

(3) 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.

(j) 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 grants to States, localities, and nonprofit organizations to further the commemoration.

(k) COMMISSION PERSONNEL MATTERS.—(1) COMPENSATION OF MEMBERS.—(A) IN GENERAL.—Compensation of the member as an officer or employee of the Federal Government.
(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.

(l) DIRECTOR AND STAFF.—(A) IN GENERAL.—There shall be an executive director to enable the Commission to perform the duties of the Commission.

(m) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(n) 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 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(o) MAXIMUM 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.

(p) DETAIL.—At the request of the Commission, any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission in carrying out the duties of the Commission under this section.

(q) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(r) STATE EMPLOYEES.—The Commission may—
(A) accept the services of personnel detailed from the State; and
(B) reimburse the State for services of detailed personnel.

(s) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 509 of title 5, United States Code, at such 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 title 5.

(t) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 44, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(u) SUPPORT SERVICES.—(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services and other services as Commission request.

(v) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for pay- ing the amounts reimbursed.

(w) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(x) 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.

(y) PAY; 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;
(C) the findings and recommendations of the Commission.

(z) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—The amount necessary to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(aa) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(bb) TERMINATION OF COMMISSION.—The Commission shall terminate on December 31, 2015.

(cc) TRANSFER OF DOCUMENTS AND MATERIALS.—(1) IN GENERAL.—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).
(2) MANAGEMENT ENTITY.—The term ‘‘management entity’’ means the entity designated by the Secretary.
(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (d).

(b) AUTHORIZATION.—(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.

(c) TERMINATION.—The Commission shall terminate on December 31, 2015.
(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 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) IN GENERAL.—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 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 or intergovernmental boards, and nonprofit organizations in carrying out the approved management plan by—
(i) carrying out programs and projects that recognize 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 Area; and
(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;
(C) prepare a management plan that includes—
(i) a description of 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;

(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 government entities or any government, organization, 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 agencies, including 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 deal with the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect natural, historical, 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 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—
(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;
(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.—
(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan by the management entity.

(E) Relation 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 with the Secretary to determine the extent of cooperation that can be pursued.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies, alters, or amends any law regarding 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.

(i) PREVENTION AND REGULATORY PROTECTIONS.—Nothing in this section—

(a) grants, or authorizes or implies the reservation or appropriation of water or water rights;

(b) 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;

(c) 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;

(d) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency or any other land use or other regulatory authority to the management 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.

(ii) EVALUATION.—Report.—

(A) IN GENERAL.—Not later than 5 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report in accordance with paragraph (3).

(B) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(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 investments for sustainability of the Heritage Area.

(iii) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area;

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) TRANSMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources; 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:

(H) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(i) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Poudre Heritage Alliance, a local coordinating entity for the Heritage Area designated by subsection (b)(4).

(j) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (b)(1).

(k) MAP.—The term ‘‘map’’ means the map entitled ‘‘Cache La Poudre River National Heritage Area’’ numbered 960/98,083, and dated April, 2004.

(l) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(m) STATE.—The term ‘‘State’’ means the State of Colorado.

(n) CACHE LA Poudre River National Heritage Area.—

(I) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(II) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(III) MAP.—The map shall be on file and available for public inspection in the appropriate office of—

(A) the National Park Service; and

(B) the local coordinating entity.

(IV) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a non-profit organization incorporated in the State.

(V) ADMINISTRATION.—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 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; and

(D) to obtain technical assistance 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.

(VI) ESSAY.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the year after the date of enactment of this Act; and

(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 appropriately identified signs identify 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 any 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 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.

(II) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall use Federal funds made available under this section to acquire real property or any interest in real property.

(III) MANAGEMENT PLAN.—

(A) 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.

(B) REQUIREMENTS.—The management plan shall—

(i) 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;

(ii) take into consideration State and local plans;

(iii) include—

(I) an inventory of the resources located in the Heritage Area;

(II) comprehensive policies, strategies, and recommendations for Federal, State, local, and private funding, management, and development of the Heritage Area;

(III) a description of actions that government, private, and non-profit organizations have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(IV) a program of financial assistance for the management plan by the local coordinating entity that includes a description of—
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(1) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and
(2) 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.

(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 of the 5th anniversary of 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 the 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 amendment 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 take appropriate action 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—
(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.

(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 for the Heritage Area to determine the leverage and impact of the investments; and
(C) review the management structure, partnerships, 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 ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(iii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(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 Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section—
(B) The term ‘‘Board’’ means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governmental entities that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) SOUTH PARK-national 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 area 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 local government, 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.—

(I) PROHIBITION ON THE ACQUISITION OF REAL PROPERTIES.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITY.—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, or individuals for the purposes of carrying out programs and projects that recognize, protect, enhance, and promote important cultural and natural resource values in the Heritage Area; or

(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) hire, as necessary, 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 cultural and natural 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.

(5) MANAGEMENT PLAN.—

(A) 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.

(B) 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 property 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, 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 and 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; and

(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 protection, enhancement, interpretation, restoration, and construction of the Heritage Area.

(6) 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 appropriate authorities, shall—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource 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, interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area. Action following this paragraph shall be 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—

(A) 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);

(B) 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

(C) 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.

(5) MANAGEMENT PLAN.—

(A) 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.

(B) 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 property 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, 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 and 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; and

(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 protection, enhancement, interpretation, restoration, and construction of the Heritage Area.

(6) 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 appropriate authorities, shall—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource 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, interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area. Action following this paragraph shall be 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—

(A) 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);

(B) 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

(C) encourage by appropriate means economic viability that is consistent with the Heritage Area.
and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section shall—
(A) modify, alter, or amend any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
(B) limit the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area;
(C) modify, alter, or amend any authorization of Federal land under the jurisdiction of a Federal agency.
(4) LOCAL AGENCIES.—
(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.
(5) AUTHORITY.—
(A) the local coordinating entity and the National Park Service, if any, with respect to the management plan for the Heritage Area.
(B) The Secretary 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
(C) 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) acquire grants to local jurisdictions, nonprofit organizations, Federal agencies, and other parties within the Heritage Area;
(B) enter into cooperative agreements with other Federal, technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;
(C) hire and compensate staff, including individuals with specialized knowledge under paragraph (1).
(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;
(ii) economic and community development; and
(iii) heritage planning;
(D) contract for goods or services; and
(E) 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.
(6) MANAGEMENT PLAN.—
(A) 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.
(B) 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 the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;
(B) enter into cooperative agreements with other Federal, technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other parties within the Heritage Area;
(C) 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) be 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 non-profit corporation established under the laws of the State.
(D) 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; and
(C) the specific performance goals and accomplishments of the local coordinating entity; and
(D) the expenses and income of the local coordinating entity;
(E) the amounts and sources of matching funds;
(F) grants made to any other entities during the fiscal year; (G) 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
(H) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.
(F) describe a program for implementation for the management plan, including—
(i) performance goals;
(ii) plans for resource protection, enhancement, conservation, 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 and 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 the date on which funds are first made available to develop the management plan, the Secretary 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 for a period of time as determined by the Secretary.

(C) REQUIRED ANALYSIS.—If the report prescribed under paragraph (1)(A) recommends an amendment to the management plan, the Secretary agrees in writing of the reasons for the disapproval; and

(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) AUTHORIZATIONS.—The Secretary may—
(i) provide technical assistance under this section for the implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(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) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) FUNDING.—The Secretary may provide financial assistance and, on a reimbursement 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 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.

(D) CONSIDERATION AND CONSULTATION.—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.

(E) OTHER FEDERAL AGENCIES.—Nothing in this section—

(1) modifies or alters any laws (including relative to the jurisdiction of the Federal agency); and

(2) limits the discretion of a Federal land manager to manage Federal land under the jurisdiction of the Federal agency to implement an approved land use plan within the boundaries of the Heritage Area.

(F) LIMITS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(G) LIMITS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(H) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(I) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(J) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(K) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(L) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(M) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(N) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(O) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(P) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(Q) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.

(R) REQUIREMENTS.—Nothing in this section—

(1) affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) authorizes or implies the reservation or appropriation of water or water rights.

(3) requires any property owner to—

(i) permit public access (including access for research and educational purposes) to the property of the property owner; or

(ii) refrain from participating in any plan, project, program, or activity conducted within the Heritage Area.
(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) Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority 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) AVAILABILITY OF MAP.—The map 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 Calvert House.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) the Patapsco State Park;

(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.

(4) 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) IN GENERAL.—(A) REVIEW.—Not later than 180 days 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.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which any portion of the State or any local government in which the Heritage Area is located before approving the management plan.

(2) MANAGEMENT PLAN.—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 individuals in the Heritage Area in the Heritage Area;

(D) recognize, protect, and enhance important buildings and scenic, cultural, historic, and natural resources in the Heritage Area;

(E) describe strategies associated with the Heritage Area to protect, enhance, interpret, fund, manage, develop the Heritage Area;

(F) describe the local coordinating entity for the Heritage Area;

(G) authorize the local coordinating entity for the Heritage Area to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(H) Enter into cooperative agreements with, and technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(I) hire and compensate staff;

(J) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and 

(K) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan for the Heritage Area.

(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 individuals in the Heritage Area in the Heritage Area;

(D) recognize, protect, and enhance important buildings and scenic, cultural, historic, and natural resources in the Heritage Area;

(E) describe strategies associated with the Heritage Area to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(F) describe the local coordinating entity for the Heritage Area;

(G) authorize the local coordinating entity for the Heritage Area to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(H) Enter into cooperative agreements with, and technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(I) hire and compensate staff;

(J) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and 

(K) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan for the Heritage Area.
(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—

(A) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(B) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(I) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) DUTIES AND AUTHORITY.—

(I) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(ii) 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).

(G) 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;

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(H) LOCAL COORDINATING ENTITY.—

(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) provide 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 CONDUCTED UNDER PARAGRAPH (A)(I) SHALL—

(i) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of this section for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the average 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 subparagraph (A)(I) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under subparagraph (A)(I), the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(D) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(ii) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(E) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorization of Federal land under the jurisdiction of a Federal agency.

(F) PROTECTION.—

(G) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(A) permit access to public or private property, 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;

(C) alters any duly adopted 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.

(H) AUTHORIZATION OF APPROPRIATIONS.—

(I) 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 valued.

(I) TERMINATION OF EFFECTIVENESS.—

(A) IN GENERAL.—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. FREEDOMS 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 other Federal, State, and local agencies, and 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, interpret the cultural, historic, and natural resources of the Heritage Area for educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section—

(I) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Freedom’s Way National Heritage Area established by subsection (c).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the local coordinating entity for the Heritage Area designated by subsection (c).

(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 ‘‘Freedom’s Way National Heritage Area’’, numbered 794-80,000, and dated July 2007.

(5) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(I) IN GENERAL.—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(ii) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISING.—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).

(d) 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.

(3) LOCAL COORDINATING ENTITY.—The Free-dom’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) 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 staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) enter into cooperative agreements, 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 acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL REAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that—

(A) is described in the management plan;

(B) listed, or eligible for listing, on the National Register of Historic Places;

(C) is a portion of a building or other structure on property described in subparagraph (A);

(D) is a portion of a property described in subparagraph (A) that is not itself listed, or eligible for listing, on the National Register of Historic Places;

(E) is an element of historic significance, such as a structure, site, object, feature, or place that is not itself listed, or eligible for listing, on the National Register of Historic Places but which, in combination with other elements, is significant to the heritage of the place or region;

(F) is a structure or site or other property, or a portion thereof, for which the Secretary approves a proposed management plan;

(G) is a structure or site or other property, or a portion thereof, for which the Secretary approves a proposed management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area; and

(H) is a structure or site or other property, or a portion thereof, for which the Secretary approves a proposed management plan.

(4) APPROVAL OF MANAGEMENT PLAN.—(A) REVIEW.—Not later than 180 days after the date on which the Secretary approves the management plan, the Secretary shall submit to the Congress a copy of the management plan.

(B) C RITERIA 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 adequate organizational capacity for effective coordination and institutional collaboration (including through workshops and public meetings) in the preparation of the management plan;

(III) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable law or land use plans;

(IV) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure that the effective implementation of the management plan is consistent with the purposes of the Heritage Area.

(2) APPROVAL OF MANAGEMENT PLAN.—(A) REVIEW.—Not later than 180 days after the date on which the Secretary approves the management plan, the Secretary shall submit to the Congress a copy of the management plan.

(B) C RITERIA 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 adequate organizational capacity for effective coordination and institutional collaboration (including through workshops and public meetings) in the preparation of the management plan;

(III) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable law or land use plans;

(IV) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure that the effective implementation of the management plan is consistent with the purposes of the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to, and approved by, the Secretary, the Secretary shall disapprove the management plan.

(4) APPROVAL OF MANAGEMENT PLAN.—(A) REVIEW.—Not later than 180 days after the date on which the Secretary approves the management plan, the Secretary shall submit to the Congress a copy of the management plan.

(B) C RITERIA 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 adequate organizational capacity for effective coordination and institutional collaboration (including through workshops and public meetings) in the preparation of the management plan;

(III) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable law or land use plans;

(IV) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure that the effective implementation of the management plan is consistent with the purposes of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—(I) I N GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(A) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(B) may make recommendations to the local coordinating entity for revisions to the management plan.

(II) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) Amendments.—(I) I N 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 unless 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) MEANINGS.—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) traveling 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, in accordance with paragraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) follow 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, partnerships, and management of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) MANAGEMENT PLAN.—

(A) 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.

(B) REQUIRED ANALYSIS.—If the report prepared under paragraph (A)(i) 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 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.—

(i) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(ii) SECRETARY AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area shall consult and coordinate the activities with the Secretary and the local coordinating entity.

(iii) OTHER FEDERAL AGENCIES.—Nothing in this section affects the authorities of Federal agencies to—

(A) modify, alter, or amend any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Heritage Area; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land; or

(C) modify 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; or

(D) convey any land use or other regulatory authority to the local coordinating entity.

(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 determined by the boundaries 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 Interstate 20 interchange 108); from Interstate 55 to the intersection of the Mississippi-Alabama State line at the Mississippi-Alabama State line (at Interstate 20 interchange 156); the intersection of which shall be the southeast terminus of the Heritage Area;

(ii) from the southeast terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51; and

(II) follow Highway 22 south until it is intersected again by Highway 12;

(iii) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35; and

(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 northwestern terminus of the Heritage Area;

(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;

(vi) the boundary shall extend north from the northwest terminus of the Heritage Area to the northern terminus of the Mississippi Hills National Heritage Area described in 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.
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 once a year to discuss 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 expenditures 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) the amounts provided 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.

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.

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.

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, protection, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;
(B) specify existing and potential sources of funding, management 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 for the Heritage Area, as submitted to, and approved by, the Secretary, contains a coordination strategy for the Heritage Area for purposes of identifying the partnerships, and funding of the Heritage Area, the local coordinating entity shall submit to the Secretary a revised management plan for the Heritage Area, which shall—
(I) state the financial benefits of the revised management plan;
(II) describe the coordination strategy described in the management plan, as amended, and specify how the revised management plan would not adversely affect any activities authorized on Federal or tribal lands under applicable laws or land use plans;
(i) The Secretary shall make available, to any interested party, the revised management plan and the revised management plan, as amended.
(ii) The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the revised management plan.
(iii) In determining whether to approve the management plan, the Secretary shall consider the following:
(A) The local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource organizations, educational institutions, businesses, community residents, and recreational organizations;
(B) the local coordinating entity has developed an implementation strategy that includes an evaluation of the economic impact of the revised management plan, including the benefits to the local coordinating entity to develop and implement the management plan;
(C) the Secretary provides recommendations to the local coordinating entity consistent with the purposes of the Heritage Area.

(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—
(i) provide technical and financial assistance, on a reimbursable or nonreimbursable basis, 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) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider—
(i) the extent to which the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource organizations, educational institutions, businesses, community residents, and recreational organizations;
(ii) the extent to which the local coordinating entity has taken an active role in coordination strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;
(iii) the management plan would not adversely affect any activities authorized on Federal or tribal lands under applicable laws or land use plans.

(5) TERMINATION OF FUNDING.—If the management plan for the Heritage Area, as submitted to, and approved by, the Secretary, contains a coordination strategy for the Heritage Area for purposes of identifying the partnerships, and funding of the Heritage Area, the local coordinating entity shall submit a revised 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.

(6) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by section 102 to implement an amendment to the management plan unless the Secretary approves the amendment.

(7) SELECTION AND AUTHORITY OF THE SECRETARY.—
(A) TECHNICAL AND FINANCIAL ASSISTANCE.—(I) IN GENERAL.—If the Secretary determines that the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, 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 opportunities for interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(EVALUATION; REPORT; TERMINATION OF FUNDING.)—
(A) EVALUATION.—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) determine the extent to which the achievements of the management plan have been completed; and
(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(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, partnerships relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—
(1) 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; and

(II) the Committee on Natural Resources of the House of Representatives.

(4) Relationship to other Federal agencies.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(5) 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.

(6) 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 Federal land use plan 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 to the property;

(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) 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—

(1) shall be from non-Federal sources; and

(2) may be in the form of in-kind contributions of goods or services fairly valued.

(4) 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) Designation.—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 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.—There is established in the State the Mississippi Delta National Heritage Area.

(c) 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, Jones, Leake, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(d) 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.

(e) 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.—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 the Delta Foundation;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Mississippi Valley State University;

(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;

(i) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council;

(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.—

(A) 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—

(bb) exercising all corporate powers of the local coordinating entity;

(cc) manage the activities and affairs of the local coordinating entity; and

(dd) 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.

(iii) 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.—

(A) 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.

(B) 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 disburse 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; and

(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 structures in the Heritage Area that are consistent with the themes of the Heritage Area;
enhancement, interpretation, funding, management of the local coordinating entity shall submit to the Secretary, for the purposes of preparing the management plan:

(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 from private sources of the federal government, local governments, and private organizations; and
(v) grants made to any other entities during the fiscal year;

(F) make available for audit all records and information pertaining to the expenditure of the funds and any matching funds;

(G) represent and authorize 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 and social partnership that is consistent with the purposes of the Heritage Area.

(2) AUTHORIZED.—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 non-Federal organizations, business, or individuals, other Federal agencies, and local governments;

(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 use Federal funds received under this section to acquire any interest in real property.

(4) MANAGEMENT PLAN .—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary a proposed management plan for the Heritage Area.

(B) REQUIREMENTS.—The management plan for the Heritage Area shall:

(i) conserve the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) 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;

(iii) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(iv) provide adequate assurances that the local coordinating entity has the partnerships necessary to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(v) 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, coordinated, or leveraged;

(vi) include an inventory of 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.

(E) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(I) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with 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.

(E) 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 (a), the Secretary—

(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—
(A) achieving the purposes of this section for the Heritage Area; and
(B) achieving the goals and objectives of the approved management plan for the Heritage Area;
(C) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(D) 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 reduced, the report shall include an analysis of—
(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(B) 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—
(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

(D) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(i) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(ii) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(iii) RELATIONSHIP WITH 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) alters, amends, or modifies any use of Federal land under the jurisdiction of the Federal agency.

(E) 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 boundaries of the Heritage Area; or
(B) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of the Federal agency; and
(C) affects the rights of any owner to—
(1) permit public access (including Federal, tribal, State, local, or government access) to the property; or
(2) convey any land use or other regulatory authority to the local coordinating entity;
(3) authorize any use of Federal, tribal, State, local, or federal agency or tribal government land; or
(4) convey any land use or other regulatory authority to the local coordinating entity;
(5) authorize 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; and
(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(F) AUTHORIZATION OF APPROPRIATIONS.—
(I) 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.

(II) COST-SHARING REQUIREMENT.—
(A) IN GENERAL.—The Federal share of the total cost of an 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 contributions of goods or services fairly valued.

(III) TERMINATION OF FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(G)します。9009. 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 as a Nation, Native American, Colonial American, European American, and African American heritage;

(4) to sustain 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 private 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:

(I) 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.

(6) ESTABLISHMENT.—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;

(vi) 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 these funds and any matching funds;

(2) AUTHORIZATIONS.—The local coordinating entity, or any other person, 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; 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;

(B) 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) enter into contracts 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 acquire real property if the Secretary did not require this section to acquire any interest in real property.

(2) MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall—

(1) assess the progress of the local coordinating entity in carrying out this section; and

(B) DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall—

(i) provide technical assistance under the paragraph for implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(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—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall—

(i) provide technical assistance under the paragraph for implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(5) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(A) TECHNICAL AND FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical 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 any 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—

(1) accomplishing the purposes of this section; and

(2) 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; and

(iii) analyze the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(4) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under another law.

(ii) the Committee on Natural Resources of the House of Representatives.

(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) authorizes the reorganization of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area;

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency;

(D) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains-Turnagain Arm National Heritage Area and the Turnagain Arm National Heritage Area.

(3) TERMINATION OF EFFECTIVENESS.—The term “Secretary” means the Secretary of the Interior.

(b) DESIGNATION.—There is established 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 entitled "Kenai Mountains-Turnagain Arm National Heritage Area," and dated August 7, 2007.

(3) TERMINATION OF EFFECTIVENESS.—The term “Secretary” means the Secretary of the Interior.

(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 (A), and the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the plan is approved by the Secretary.

(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 government, nonprofit organizations, private sector parties for implementation of the management plan; and

(ii) has provided adequate assurances that the local coordinating entity has the partners and financial and other resources necessary to implement the management plan.

(5) TERMINATION OF EFFECTIVENESS.—The term “Secretary” means the Secretary of the Interior.

(6) 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 (A), and the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the plan is approved by the Secretary.

(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 government, nonprofit organizations, private sector parties for implementation of the management plan; and

(ii) has provided adequate assurances that the local coordinating entity has the partners and financial and other resources necessary to implement the management plan.

(7) TERMINATION OF EFFECTIVENESS.—The term “Secretary” means the Secretary of the Interior.

(8) 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 (A), and the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the plan is approved by the Secretary.

(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 government, nonprofit organizations, private sector parties for implementation of the management plan; and

(ii) has provided adequate assurances that the local coordinating entity has the partners and financial and other resources necessary to implement the management plan.
(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 agreement plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters 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 (2).

(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, partnerships, and 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; and

(ii) the expenses and income of the local coordinating entity;

(C) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(D) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(E) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation; and

(ii) economic and community development; 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.

(2) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(A) 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.

(B) STUDY.—The head of any Federal agency providing financial assistance under this section to acquire any interest in real property shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate:

(1) describing the purposes for which the funding is being used in connection with the acquisition of real property; and

(2) identifying any Federal agency that provides financial assistance, within the scope of this section, to acquire any interest in real property in the Heritage Area.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(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.

(4) 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 D—Studies

SEC. 8101. CHATTAHOOCHEE TRACE NATIONAL HERITAGE CORRIDOR.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term "Corridor" means the Chattahoochee Trace National Heritage Corridor.

(2) LOCAL COORDINATING ENTITY.—The entity designated by the Secretary to serve as the local coordinating entity for the Heritage Area.

(3) STUDY AREA.—The term "study area" means the study area described in subsection (b).

(b) STUDY.—

(1) AUTHORIZATION.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism officers, 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.

(c) STUDY AREA.—The study area includes—

(1) 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 TOS080000, and dated July 2007; and

(2) any other areas in the State of Alabama or Georgia that—

(I) have heritage assets 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—

(A) there is 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) should be managed—  
(I) through partnerships among public and private entities; and  
(II) by linking diverse and sometimes non-contiguous resources and active communities;  
(B) reflects traditions, customs, beliefs, and folklore 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) Not later than 3 fiscal years after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—  
(1) the findings of the study; and  
(2) any conclusions and recommendations of the Secretary.

SEC. 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.—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:  
“(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 planning 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) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area;  
(2) SEC. 8102. NORTHERN NECK, VIRGINIA.  
(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—
(1) in section 9—
(A) by striking “The Commission” and inserting the following:
   “(a) In GENERAL.—The Commission;”;
   (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) by adding at the end the following:
      “(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.”;
(2) by redesignating paragraphs (1) and (2) as paragraphs (6) and (7), respectively; 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—
(A) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;
(B) to hire, train, and compensate staff; and
(C) to enter into contracts for goods and services.

Authorizations

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS.

(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:

(A) IN GENERAL.—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.

(B) 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 30, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(C) THE 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 reimbursement 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, to be completed not later than 18 months after the date of enactment of this Act.

(b) 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”;
(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.”;
   (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 E. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; Public Law 106-504) is amended—
(A) by striking “shall be the” and inserting “shall be the”;

(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. 8205. MISSOURI RIVER NATIONAL HERITAGE CORRIDOR.

The Missouri River National Heritage Act of 2009, the Corporation shall be the local coordinating entity for the Missouri River National Heritage Corridor; and

(C) The remaining members shall be—
   (i) appointed by the Secretary, based on recommendations from each 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 district;
   (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 classification of positions and General Schedule pay rates;”;
      (B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 of title 5, United States Code, relating to appointments and subchapter III of chapter 53 of title 5, United States Code, relating to appointments.

(b) by striking “19”;

(c) by adding at the end the following:
   “(d) TERMINATION OF ASSISTANCE.—The authority provided by this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law, including hunting, fishing, or trapping.
as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) Federal Reclamation Projects.—Nothing in this section shall 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 for the Federal cost share of the study authorized in subsection (a).

(d) Sunset.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

Subtitle B—Project Authorizations

SECTION 9101. TAMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) Definitions.—In this section:

(1) District.—The term "District" means the Tamalo Irrigation District, Oregon.

(2) Project.—The term "Project" means the Tamalo 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 Tamalo Water Conservation Project.—

(1) Authorization.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Tamalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(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.

(c) Cooperative Agreement.—All final planning and design of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the support of the final design and construction of the Project.

(d) Authorization for the Madera Water Supply andEnhancement 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 purposes of determining the feasibility to plan, design, and construct the Project for the support of the final design and construction of the Project.

(2) Federal cost share shall not exceed $30,000,000.

(e) 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.

(f) Termination of Authority.—The authority of the Secretary to carry out any provisions of this section shall expire on the date that is 10 years after the date of enactment of this Act.

SECTION 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 for the purposes of determining the feasibility to plan, design, and construct the Project.

(b) Credit Toward Non-Federal 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, and construction of the Madera project, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2000.

(c) Cooperative Agreement.—The District shall provide a cooperative agreement with the Secretary in accordance with the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2000.

(d) Authorization.—The Secretary shall submit to Congress a feasibility report before the date of enactment of this Act.
(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 not be 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 or on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—Nothing in this subsection shall be construed to require plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall consult with the District to ensure that such information as is used is consistent with applicable Federal laws and regulations.

(4) 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.

(5) 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.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) In general.—The Secretary may provide financial and technical assistance to the Authority in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) Use.—

(i) In general.—Any financial assistance provided under paragraph (A) shall be obligated 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 or transport water for irrigated agricultural purposes.

(d) 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 not be 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 or on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—Nothing in this subsection shall 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. 3321 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) OPERATIONAL MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the System that is in accordance with Federal law and that includes estimates of the Federal share of the costs of such operations and replacements of the System.

(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 the provisions of this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) In general.—The Secretary shall enter into a cooperative agreement with the Authority, the State, and other non-Federal entities to carry out the provisions of this section.

(ii) Requirements.—The cooperative agreement entered into under clause (i) shall—

(I) require the Secretary to provide assistance identified as the “Best Technical Alternative” in the engineering report.

(III) include the methodology for the identification of the most cost-effective and environmentally responsible alternative for the System.

(III) include a requirement for the purposes of planning, construction, and operating 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 Intergovernmental 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.

(e) EFFECT.—Nothing in this section—

(A) affects or preempts—

(I) the law of the State; 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.

(f) AUTHORIZATION OF CONSTRUCTION.—

(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 construction of 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.

(g) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) are nonreimbursable and nonreturnable to the United States.

(2) 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 CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act of 1996 (Public Law 104-333, 110 Stat. 12575 et seq.) is amended by inserting after the last item the following:

(5) RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(b) 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 supplies in Southern Riverside County, California.

(c) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 75 percent of the total cost of the project or $20,000,000, whichever is less.

(d) LIMITATION.—Funds provided by the Secretary under this section shall be retained for use in future fiscal years consistent with this section.

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 Outfall Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation”;

(B) dated February 2007; 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.

(b) AUTHORIZATION.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(c) STATE.—The term “State” means the State of Colorado.

(d) 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) PROVISION OF INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and environmental 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) an amount equal to 35 percent of the cost of the Project; or
(ii) $2,000,000.
(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A) in a manner agreed to by the Secretary and the District; and
(ii) with no interest.

(4) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered, the Secretary shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project.

(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.—Any 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 in accordance with section 104 of the Federal share of the total cost of carrying out the Project $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) Providing for Operation and Maintenance of the Rio Grande Pueblos—

(i) STUDY.—The Secretary shall conduct a study of the condition of any irrigation structure on land that is constructed or rehabilitated under this section.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least the factors described in subparagraph (B).

(iii) PRIORITY.—The factors referred to in subparagraph (A) are—
(A) the extent of the disrepair of the Pueblo irrigation infrastructure; and
(B) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure.

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is in disrepair has on the applicable Rio Grande Pueblo;

(v) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is in disrepair has on the applicable Rio Grande Pueblo;

(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 address potential water supply conflicts in the Rio Grande Basin.

(2) Purposes.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos; and

(B) to identify, 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 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 (43 Stat. 1290) 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.

(D) REIMBURSEMENT REQUIREMENT.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with the 2004 Agreement, shall—

(i) conduct a study of Pueblo irrigation infrastructure; 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.

(E) Rehabilitation and Repair of Pueblo Irrigation Infrastructure—

(i) A MOUNT.—The Secretary shall recover reimbursable expenses under subparagraph (A)(ii) with respect to the Pueblo.

(ii) PRIORITY.—The factors referred to in subparagraph (A) are—

(A) the extent of disrepair of the Pueblo irrigation infrastructure; and

(B) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo;

(v) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is in disrepair has on the applicable Rio Grande Pueblo;
(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)(i); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(ii); and

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) EFFECT ON PUEBLO WATER RIGHTS.—Nothing in this section preempts or affects—

(A) any right under Federal or State law.

(B) any on-farm improvements.

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”;

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for prevention of entrapment of fish in water diversions” after “—”;

(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), by striking “$179,000,000” and inserting “$88,000,000”;

(2) in subsection (b), by striking “$18,000,000” and inserting “$30,000,000”;

(3) in subsection (c), by striking “$61,000,000” and inserting “$88,000,000”;

(4) in subsection (d), by striking “$61,000,000” and inserting “$88,000,000”;

(5) LIMITATION.—Nothing in this section preempts or affects—

(A) any right under Federal or State law.

(B) any on-farm improvements.

(c) 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 arising from a trust relationship or from any Federal law (including Executive order, or agreement between the Federal Government and any Pueblo).
(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(5) CONTRACTS.—

(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) 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.

(6) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(a) OPERATION.—The Secretary, the District, or a third party (consistent with subparagraph (A)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District that the Secretary of the Department of the Navy with respect to the share of the Project of the Department of the Navy.

(b) 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.
- A 40 percent of the yield of the Project is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

- (A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed to on 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 subparagraph (B), the official may enter into temporary contracts for the sale and delivery of the excess water.
- (B) FIRST RIGHT FOR EXCESS WATER.—The first 40 percent of water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(d) MODIFICATION 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.

(e) APPLICATION 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.

(f) CONSIDERATION.—

- (A) DEPOSIT OF FUNDS.—
- (i) Payments made to the United States under a contract entered into under paragraph (3) shall be—

- (I) deposited in the special account established under section 2667(e) of title 10, United States Code; and
- (II) shall be available for the purposes specified in section 2667(e) of title 10, United States Code.

- (B) EXCISE.—Section 2667(e) 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, inclusive of—

- (i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the United States;
- (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.

(g) RELATION TO OTHER LAWS.—Sections 2662 and 2662 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.

(h) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided 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 14-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 30-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.

(i) 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 clauses (i) and (ii) of section 3 of the Reclamation Project Act of 1939 (43 U.S.C. 485b) to repay to the United States equitable and appropriate proportions, as determined by the Secretary, for—

- (I) the construction, operating, and maintaining costs of the Project;
- (II) the use of water as a part of environmental considerations, or through actual use or prescription; or both since the date of acquisition, if any;

- (B) GROUNDWATER.—For purposes of calculating 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.

(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 incurred 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 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.
years after the date of enactment of this Act.
SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECT.
(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 9109(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 the project described in this section (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 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 9109(a)) is amended by adding after the item relating to section 9109(b) 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 an agency of the North San Pablo 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) recharge and protection;

"(E) surface water augmentation; or

"(F) other related improvements.

"(3) DISTRICT.—The term 'District' means the State of California.

"(b) NORTH BAY WATER REUSE PROGRAM.—

"(1) IN GENERAL.—In general, and any non-Federal entity 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.

"(2) 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.

"(c) 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 of any project shall 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 projects.

"(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 of lands acquired for the project that is—

"(1) used for planning, design, and construction of the water reclamation and reuse project; and

"(2) owned by an eligible entity and directly related to the project.

"(d) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(e) EFFECT.—Nothing in this section—

"(1) affects or preempts—

"(i) State water law; or

"(ii) an interstate compact relating to the allocation of water; or

"(2) 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.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the first phase of the project authorized by this section $25,000,000, to remain available until expended.

"(g) 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 system projects for 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

"(d) 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.

"(e) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. 390h–12) is amended by adding after the last item the following:

"Sec. 1652. Prado Basin Natural Treatment System Project.

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.

"(b) PROJECT.—

"(1) IN GENERAL.—The term ‘Project’ means the Riversides-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.

(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 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. 9115. GREAT PROJECT, CALIFORNIA.

(a) 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 9114(a)) 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 of the project.

"(c) Limitation.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) 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.

"(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.

"(d) 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 reusing project."

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) Cost Share.—The first section of Public Law 87–759 (76 Stat. 390) is amended in the second sentence of subsection (c) by inserting "cost thereof," the following: "or in the case of the Arkansas Valley Conduit, the Secretary may convey to the Authority such sums as may be necessary for the construction of the Arkansas Valley Conduit.

"(b) 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. 9291. 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 the McGee Creek Project Conduit under paragraph (1) of this section.";
(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.

"(a) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—
(A) IN GENERAL.—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 uses of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest as determined in accordance with this section.

(B) EFFECT.—Nothing in the Federal reclamation laws or any other law shall be construed to prohibit the conveyance of revenue (with interest as provided under this paragraph) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

(2) 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 at such time as interest is determined in accordance with this section.

(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for domestic, commercial, or industrial use for the 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.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $26,000,000.

"(c) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.".
the pumping plant; (i) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Alamos; (ii) the right-of-way 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.  

(2) MANAGEMENT.—With the consent of the Secretary, the Authority may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1) and to apply to any project work provided to the Authority.  

(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 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 of the land and facilities.  

(B) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funds 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.  

(4) RELEASE FROM LIABILITY.— (A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under subparagraph (B), any rights and obligations with the purposes for which the McGee Creek Project was authorized.  

(B) COMPLIANCE WITH AGREEMENT; APPLICABILITY.— (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) APPLICABILITY.—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.  

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1), the Secretary shall direct the Secretary of the Interior to apply to any project work provided to the Authority.  

SEC. 2902. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.  

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest that 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 the area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Section 18, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lots, and MRGCD to the City:  

(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 Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9561 acres, more or less.  

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.  

(C) Tract 332B 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 332A–1, and on the west by Tract B, Albuquerque Biological Park; containing 0.38 acres, more or less.  

(D) Tract 332A of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the west by Tract B, Albuquerque Biological Park, on the south by Tract 332A–1, and on the east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.  

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the north by Tract 332B, and on the south by Tract 332A, as the same are shown and designated on the Plat of Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City.  

(6) TINGLEY BEACH.—The term “Tingley Beach” means the tract of land containing 25.005 acres, more or less, situated within Sections 7, 8, 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 that the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City.  

(2) TIMING.—The Secretary shall carry out the actions in paragraph (1) as practicable after the date of enactment of this Act and in accordance with all applicable laws.  

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.— (1) IN GENERAL.—Except as expressly provided in subsection (c) of 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 LIQUIDATION.—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 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, and interest of the United States to any property associated with the Middle Rio Grande Project.  

SEC. 2903. 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 and the District in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid
chapter 171 of title 28, United States Code

The United States shall not be held liable by conveyance authorized by subsection (b), not later than 14 months after the date of enactment of this Act, the Secretary has

date by which the conveyance shall be com-

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 District under this Act.

(c) NONWAIVER FOR CERTAIN CLAIMS.—Noth-

the provision of indemnity, or any claim money damages, monetary compensation, inclusion risks posed by global climate

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 for any act, omission, or occurrence relating to damage, injury, or loss by other than the conveyance authorized 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 on which conveyance, nothing in this section increases the liability of the United States beyond that provided in chapter 78 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;

(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 a part of a Federal reclamation project.

(e) OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance 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.

(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 (33 U.S.C. 351 et seq.) and Acts supplementary 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 was not 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 150 days after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 901. 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 the word "match for" the following:

"(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remain-

er of appropriated funds 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 Federal or State law.

"(II) CENTRAL BASIN MUNICIPAL WATER DIS-

(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) JURISDICTION.—Subject to para-

graph (3), the sovereign immunity of the United States is waived for purposes of ac-

tions commenced pursuant to this section.

Nothing in this section waives the sovereign immuni-

ty of the United States to claims for money damages, monetary compensation, the District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.

"(II) CENTRAL BASIN MUNICIPAL WATER DIS-

Strict.—The Central Basin Municipal Water

District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under Federal or State law.

(a) IN GENERAL.—Due to the unique condi-

tions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under Section 9402, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under the documents.

(b) JURISDICTION.—The district court shall have jurisdiction over such actions and may enjoin such proceedings as it deems appropriate, if it is satisfied that such actions are consistent with the court’s exercise of ju-

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(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 system 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 supply 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—
(A) under section 9506(a).
(B) CLIMATE DIVISION.—The term “climate division” means 1 of the 352 river basins in the United States that represents 2 or more regions located within a State that are 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 332 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

(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) INCORPORATION.—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.
(B) PANEL.—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(b).
(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 applicable 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 applicable State water resource agency, to ensure that the Secretary has access to the best available scientific information, including present 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; or
(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; or
(E) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—
(i) the ability of the Secretary to deliver water to the contractors of the Secretary;
(ii) hydroelectric power generation facilities; and
(iii) recreation at reclamation facilities;
(F) fish and wildlife habitat;
(G) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et sequi); and
(H) flood control management;
(i) 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; and
(B) the development of new water management, operating, or habitat restoration plans;
(C) water conservation; and
(D) improved hydrologic models and other decision support systems; and
(E) groundwater and surface water storage needs; and
(f) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), or applicable State water resource agencies, develop a monitoring plan to acquire and maintain water supply trends; and
(b) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).
(o) 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; and
(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; and
(B) the Administrator; and
(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); and
(D) any applicable State water resource agency; and
(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et sequi); and
(F) fish and wildlife habitat;
(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDY.—

(i) GENERAL.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact of implementing adaptive management 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.

(ii) RESEARCH AGREEMENT.—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.

Sec. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(i) 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 enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(D) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(E) to prevent the decline of species that are protected under 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 such 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 promulgated under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(ii) AUTHORITY OF ELIGIBLE APPLICANT.—

(A) 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

(iii) 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.

(b) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(i) 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

(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 agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be nonreimbursable.

(d) TITLES TO INFRASTRUCTURE.—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) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(iii) CALCULATION OF NON-FEDERAL SHARE.—

(A) FEDERAL SHARE.—

(i) GOVERNMENTAL.—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.

(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

(ii) TORT CLAIMS ACT.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(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.

(c) 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.

(d) 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 ASSIGNMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of the 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, 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.

(b) ACCESS TO APPROPRIATE DATA.—

(i) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the Administrator of the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy, in consultation with the Commissioner of Reclamation, and any other Federal, State, and local governmental entities that have relevant knowledge and information.

Sec. 9506. AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

Sec. 9507. CONSTRUCTION OF POWER PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior shall consult with the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy, in consultation with the Commissioner of Reclamation, and any other Federal, State, and local governmental entities that have relevant knowledge and information.
(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;
(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to section 10 of the Federal Power Marketing Administration Act of 2009; (i) long-term power contracts; (ii) contingent capacity contracts; and (iii) short-term sales; and

(2) the improvement 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) PROPOSED 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. Review the current scientific understanding of the impact of global climate change on the quantity and quality of freshwater resources of the United States; and

2. Develop any strategy that the panel determines will 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 Administrator of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State and local 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, precipitation, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the impact of global climate change with respect to each of fiscal years 2009 through 2011, to remain available until expended.

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 improve the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

3. To establish a framework 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;

5. 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.

5. To facilitate the development of hydrologic and other models to integrate data that reflect groundwater and surface water interactions; and

6. To develop 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 any 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. REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project 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 an appropriate entity under paragraph (1) shall not exceed $2,000,000.

3. IMPROVED METHODOLOGIES.—

(A) IN GENERAL.—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) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

1. In general.—The Advisory Committee and the Panel shall consist with the Section 1007. Water Data Enhancement by United States Geological Survey.

(a) National Streamflow Information Program.—

1. In general.—

(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 entities a report that describes each effect of, and risk resulting from, global climate change with respect to—

(A) Federal share of the cost of any demonstration, research, and methodology development projects.

There is authorized to be appropriated to carry out subsections (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.—

2. REQUIREMENTS.—

(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 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), 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 any 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. REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project 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 an appropriate entity under paragraph (1) shall not exceed $2,000,000.

3. IMPROVED METHODOLOGIES.—

(A) IN GENERAL.—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) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

1. In general.—

2. REQUIREMENTS.—

(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 shall submit to the appropriate committees of Congress a report that describes each effect of, and risk resulting from, global climate change with respect to—

(A) Federal share of the cost of any demonstration, research, and methodology development projects.
program 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 quantitative 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) achieve 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 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 for 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 the monitoring activities.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection $3,000,000 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 pertinent to each brackish aquifer described in clause (i) and (ii) and the current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i) and (ii).

(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; and

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i) and (ii);

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in clause (i) and (ii), including the known level of total dissolved solids in each brackish aquifer;

(C) 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 2019, 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 water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall give priority to appropriate entities that propose the development of new methodologies and technologies to—

(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); and

(D) measuring precipitation and potential evapotranspiration; and

(3) USE.—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 are authorized to be appropriated to carry out this subsection $3,000,000 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 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

(5) to develop the basis for an improved analysis and assessment to fully characterize the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—The Secretary shall carry 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 implications of water use activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall—

(A) develop an ongoing assessment of water availability by—

(i) 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); and

(II) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(1) natural recharge;

(2) withdrawals;

(3) saltwater intrusion;

(4) mine dewatering;

(V) land drainage;

(6) artificial recharge; and

(7) other relevant factors, as determined by the Secretary; and

(III) impervious surface water and groundwater supplies that are known, accessible, and available to meet ongoing water demands; and

(B) maintaining a national database of water availability data that—

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SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements or 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 otherwise allows flooding to occur.

(b) EFFECT ON STATE WATER LAW.—(1) AUTHORITY OF SECRETARY.—The Secretary, will contribute to public safety or otherwise allows flooding to occur.

(c) 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) developed 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) energy; and

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(6) transfers to or related to each water use sector, including significant changes in water use due to the development of new energy supplies;

(7) significant water use conflicts or shortages that have occurred or are occurring; and

(8) 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. 9501. 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 facility, including—

(A) the agricultural sector; and

(B) the municipal sector;

(C) the industrial sector; and

(D) the residential, commercial, industrial or public-sector.

(3) TREATED WATER.—The term ‘treated water’ means water that has been treated by a treatment facility and is suitable for use in non-Federal systems.

SEC. 9502. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—(1) DEVELOPMENT OF GUIDELINES.—The Secretary 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 clause (1).

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be reimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a) to—

(1) provide recommendations to the transferred works operating entities for improvements to operation and maintenance procedures, operating procedures including operation and maintenance guidelines consistent with existing transfer contracts, and structural modifications to those transferred works; and

(2) determine an appropriate inspection frequency for such non-Federal project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred works operating entities, technical assistance to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(4) 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 agreements 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 assistance in 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.

(3) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—The Secretary shall, through the Commissioner of Reclamation, provide technical assistance to transferred works operating entities for—

(1) implementing the guidelines and inspection requirements developed pursuant to subsection (a); and

(2) carrying out, in accordance with subsection (b), the Secretary determined to be reasonably required to preserve the structural safety of the project facility.

(4) 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 agreements 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 assistance in 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.

(3) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—The Secretary shall, through the Commissioner of Reclamation, provide technical assistance to transferred works operating entities for—

(1) implementing the guidelines and inspection requirements developed pursuant to subsection (a); and

(2) carrying out, in accordance with subsection (b), the Secretary determined 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 a one-year extension, at the end of the year in which work undertaken pursuant to this subtitle shall be 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 that will be submitted to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with a one-year extension, at the end of the year in which work undertaken pursuant to this subtitle shall be substantially complete.


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:


(2) The term “Secretary” means the Secretary of the Interior.


SEC. 10004. Implementation of Settlement.

(1) 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:

(a) 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 within the 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.

(b) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(c) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall be made through willing sellers and not through eminent domain.

(d) Implement the terms and conditions of paragraph 16 of the Settlement related to re-circulation, capture, 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 for 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 of California, 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.

(2) 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 capacity and potential for levee or ground-water 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, for any seepage losses, fish by-pass 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 (36 U.S.C. 1351 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 authorized in Paragraph 11(a) of the Settlement; or
(B) exceed existing downstream channel capacities.
(3) AVERAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage from Interim 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. Pursuant to any modifications of such facility or 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.

(5) ACQUISITION OF PROPERTY.—
(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or rights in property needed to implement the Settlement authorized by this part.

(6) 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 332), to carry out the measures authorized in this section and section 10004.

(7) DISPOSITION OF PROPERTY.—
(1) IN GENERAL.—Upon the Secretary’s determination that retention of title to property or interests in property is necessary for purposes of implementing 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.

(8) TIME LIMITATION.—
(1) IN GENERAL.—Funds shall be deposited in the fund established by the Secretary for the purchase of property, interests in property, or obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, the Secretary of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Friant Canal, Firebaugh Canal, Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY.
(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to all facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement shall not be vested in the United States.
(b) ACQUISITION OF PROPERTY.—
(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or rights in property needed to implement the Settlement authorized by this part.

(c) DISPOSITION OF PROPERTY.—
(1) IN GENERAL.—The Secretary identifies based on the monitoring program of the Secretary the need for modifications or improvements of such facilities or 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.

(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 332), to carry out the measures authorized in this section and section 10004.

(3) PERIOD OF ACQUISITION AND DISPOSAL.-For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with applicable Federal, State, and local 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.

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.

(b) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(c) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(d) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier. Pursuant to any modifications of such facility or 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.

(e) ACQUISITION OF PROPERTY.—
(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or rights in property needed to implement the Settlement authorized by this part.

(f) 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 332), to carry out the measures authorized in this section and section 10004.

(g) DISPOSITION OF PROPERTY.—
(1) IN GENERAL.—Upon the Secretary’s determination that retention of title to property or interests in property is necessary for purposes of implementing 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.

(h) TIME LIMITATION.—
(1) IN GENERAL.—Funds shall be deposited in the fund established by the Secretary for the purchase of property, interests in property, or obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, the Secretary of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Friant Canal, Firebaugh Canal, Water District and Columbia Canal Company.

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 3406(c)(1) 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 creates a private right of action.
(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief for purposes of any other applicable law.
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 included $120,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement the Settlement in a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for (i) no further monetary or in-kind contributions toward the State of California’s share of the cost of implementing the payment provided for in subparagraph (a)(1)(A), (B), and (C) of paragraph 1 of the Settlement, (ii) the costs of implementing those contributions, and (iii) availability of funds, payable in any fiscal year, to cover the higher estimated Federal costs.

(C) FUND.—

(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 shall be available for expenditure without further appropriation, provided that, on or before 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) 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 conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require additional 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.—

(i) IN GENERAL.—In accordance with the Settlement, the Secretary is further authorized to convert, prior to December 31, 2010, any existing 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: Arvin-Edison Water Storage District; Delano-Earlmart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Frazier Irrigation; Lindsay-Morrow Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Linda-Wasco Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tehachapi Irrigation District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon reinitiation of Restoration Flows, the Secretary is authorized 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: Wasco Irrigation District; Porterville Irrigation District; Wasco Irrigation District; Ivanhoe Irrigation District; Lower Tule River Irrigation District; and Orange Cove Irrigation District, to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(ii) REPORT.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by paragraph (1), that the expansion of Reach 4B or any alternative route selected, whether by existing 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 analysis), has incurred any aggregate total of $2,000,000 (at October 2006 price levels) to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts and a manner to fund the implementation in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subparagraph (A) of paragraph 21 of the Settlement).

(iii) MEASURES.—The Secretary shall—

(A) IN GENERAL.—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) Alternate Route.—The study under subparagraph (A) shall be completed prior to reinitiation of any flows other than Interim Flows.

(C) REPORT.—

(1) IN GENERAL.—The Secretary shall file a report with Congress not later than 30 days after a determination, as required by paragraph (1), that the expansion of Reach 4B or any alternative route selected, whether by existing Federal funds and in-kind commitments, then before the Secretary commences actual construction work in reach 4B, has incurred any aggregate total of $2,000,000 (at October 2006 price levels) to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts and a manner to fund the implementation in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subparagraph (A) of paragraph 21 of the Settlement).

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after a determination, as required by paragraph (1), that the expansion of Reach 4B or any alternative route selected, whether by existing Federal funds and in-kind commitments, then before the Secretary commences actual construction work in reach 4B, has incurred any aggregate total of $2,000,000 (at October 2006 price levels) to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts and a manner to fund the implementation in the San Joaquin River Restoration Fund (not including payments under subparagraph (A) of paragraph 21 of the Settlement).
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, by January 31, 2011, such amount to be discounted by 1/2 the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010.

(2) Require that, notwithstanding subsection (c)(1)(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 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

(3) Conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with and subject to applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the repayment of the 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, 2011. 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, 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 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 and subject to applicable law.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference between the capitalized costs incurred after the effective date of the contract or 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, by January 31, 2011, such amount to be discounted by 1/2 the Treasury Rate; provided, that such charge shall not be discounted by more than 1/2 the Treasury Rate.

(4) Effective in 2010, the charge shall revert to the amount called for in section 1007(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, and other long-term water service contracts, the Secretary is authorized and directed to refund, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise fulfill any contractual obligations with the Water Rights, 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 fulfillment or exchange or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph (b) of the Settlement. The Secretary shall annually, make publicly available a compilation of the number of transaction or exchange agreements exercising the provisions of this paragraph, 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 information concerning the transferred or exchanged under such agreements.

(3) State Law.—Nothing in this subsection alters any State law or any State credit law, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(4) Repealed: Not Repealed.—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-Kern Project, or unbonded long-term 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 subsection 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 by paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 1001. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDINGS.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the re-creation of a viable 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(g) of the Endangered Species Act of 1973 (16 U.S.C. 1538(g)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the re-introduction 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. 1538a(1)(A)).

(c) FINAL RULE.—(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ‘third party’ means persons or entities downstream or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant-Kern Project, 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 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 re-introduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the re-introduction will not impose more than de minimis water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such re-introduction.

(a) APPPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in 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.

(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.) on 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.

(b) REPORT.—(1) IN GENERAL.—Not later than December 31, 2025, the Secretary of Commerce shall report to Congress on the progress made on the re-introduction set forth in this section and the Secretary’s plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successfully implementing this section;

(B) an evaluation of the effect, if any, of the re-introduction that the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the re-introduction.

(3) 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, established by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers 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 another anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(c) REPORT.—The report under paragraph (1) shall include—

(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


PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 1001. 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 financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of all 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 distributed 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 16-05, volume 3, chapters 7 and 8, as modified by the Secretary of the Interior, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan 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 basis for developing local water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that the report contains 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, which shall remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) (A) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized 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 pumps and control structures in the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures.

(b) Upon completion of and consistent with the Friant-Kern Canal Improvement Project, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal, State, and local law.

(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, and construction of water projects that will provide additional water 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 accounts to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—No 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 water supplied by the Friant-Kern Division long-term contractors caused by the Interim or Restoration Flows authorized in

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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 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 operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(d) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.

(c) DETERMINATIONS.—

(1) A project shall be determined to be 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 development, design, and operational compatibility 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 capability and willingness to fund its share of the project’s construction and operation and maintenance costs on an annual basis.
(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 to the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in 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 100–502; 114 Stat. 1796; 25 U.S.C. 3007).

(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 DECREES.—The term “Partial Final Decrees” 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) PROJECT PARTICIPANT 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. 75–186 (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 DECREES.—The term “Supplemental Partial Final Decrees” 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 and the tributaries of that river.

(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(c) of the Colorado River Compact.

SEC. 10301. 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. NONREALLOCATION OF COSTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassignKey any costs of projects that have been authorized by the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or
(2) the changes in the uses of the water diverted for any purpose other than the purposes authorized by 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 re-payment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART IV—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(b)) shall be amended by inserting “the Navajo Indian Irrigation Project” after “Gallup Water Supply Project,” after “Fruitland Mesa,” before “Navajo Reservoir Water Bank,” and after “Navajo Reservoir Water Bank.”

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, the power revenues of the Navajo-Gallup Water Supply Project shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project facilities for the purposes described in the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620n) the following:

(1) any hydroelectric power generated by the water by the Navajo Indian Irrigation Project facilities for delivery to the owner or assignee of any power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

(2) Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Secretary; and

(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power.

(3) 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 Water Project.

(4) 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:

Title 2—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. The Secretary 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 subsection (b) may be used within the boundaries of the Navajo Indian Irrigation Project facilities for the following purposes:

(i) Aquaculture purposes, including the raising of fish in the upper basin of the Colorado River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

(ii) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

(iii)(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 pay the Navajo Nation for account the revenues received by the Navajo Nation, or the expenditure of the revenues.

(iv) 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 Water Project.

(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 purpose with—

"(1) the agreement executed under section 1070(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

"(2) any interest earned on investment of amounts in the Fund under subsection (d); 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 2034, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues that would otherwise be available for the Fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(c) AVAILABLE 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 authority contained in any other provision of law.

(d) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each fiscal year 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 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.

(iii) to complete, or substantially complete as expeditiously as practicable, the construction of the water

(e) EXPENDITURES FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(I) FIRST PRIORITY.—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 subparagraph (I).

(III) 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).

(f) COMPLETION OF PROJECT.—

(I) NAVAJO-GALUP WATER SUPPLY PROJECT.

(1) IN GENERAL.—Subject to subclause (i), 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 available under paragraphs (1) and (2), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to substantially complete as expeditiously as practicable, the construction of the water
supply infrastructure authorized as part of the Project.

(II) Maximum Amount.

(a) 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) 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, has provided 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 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.—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 (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).

(III) Montana Settlemnts.—

(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 expended without 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 Assiniboin Tribes of the Port Belknap Indian Reservation in the judicial proceeding entitled In re the General Adjudication of All the Water Rights to Use Surface and Groundwater in the State of Montana, 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 for the period of fiscal years 2020 through 2029.

(1) 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 expended without 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 with 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.

(III) Other Funding.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(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.—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.

(3) TRANSFERS.—The Secretary may make in amounts subsequently transferred to the Fund for any authorization use, as determined by the Secretary.

(4) INVESTMENT OF AMOUNTS.—

(I) 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.

(II) MAXIMUM AMOUNT.—The amount invested under paragraph (1) 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 (i) through (iii).

(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; and

(2) to allocate the capacity of the Project among the City of Gallup, New Mexico, the Navajo Nation, the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City of Gallup, New Mexico, the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) In General.—The Secretary, acting through the Commissioner of Reclamation, may make in amounts subsequently transferred to the Fund for any authorization use, as determined by the Secretary.

(b) Project Facilities.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain any project facilities necessary for the purposes 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 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 99.

(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 lateral pipelines 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 other structure) that are necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(c) 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 com- mence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract; and

(B) the contracts authorized under section 1064 are executed.

(C) The Secretary completes an environmental statement for the Project.

(ii) has issued a record of decision that provides for a preferred alternative; and

(iii) 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 Secretary shall not provide 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) EXEMPTION.—If the Jicarilla Apache National Forest objects not to enter into a contract pursuant to section 1064, 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.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALUP WATER SUPPLY PROJECT WATER.

(a) Use of Project Water.—

(1) IN GENERAL.—Hydroelectric power may be sold or transferred to other applicable law; and

(2) USE ON CERTAIN LAND.—

(i) any hydroelectric power generated under this subparagraph (A) is subject to—

(A) IN GENERAL.—Hydroelectric power may be sold or transferred to other applicable law; and

(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”).

(ii) agrees to pay the operation, maintenance, and replacement costs relating to that additional use.

(1) IN GENERAL.—In accordance with this subsection and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(3) HYDROELECTRIC POWER.—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation for the use of the City.

(A) delivery capacity is available without

(ii) the United States shall have no trust responsibilities under the Agreement and the project is not altered by the construction repayment requirements or the operation, maintenance, and replacement requirements of the project.

(i) the distribution of water under the Project or section of a Project facility; and

(ii) the Project Participant benefitting from that use.

(B) the Project Participant agrees to pay the operation, maintenance, and replacement costs assignable to that use.

(i) any terms and conditions that the Secretary determines are necessary—

(i) the right to use the water; and

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation for the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement requirements of the Project.

(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) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION TO NAVAJO-NATION COMMUNITY IN ARIZONA.—

(i) has the right under applicable law to use the additional water; and

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(iii) the United States shall have no trust responsibilities under the Agreement and the project is not altered by the construction repayment requirements or the operation, maintenance, and replacement requirements of the project.

(ii) any water delivery to a Project Participant; and

(i) delivery capacity is available without

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Secretary may divert Project water from the project pool at 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 350 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(i) agrees to pay the operation, maintenance, and replacement costs relating to that additional use of any Project facility; and

(iii) the United States shall have no trust responsibilities under the Agreement and the project is not altered by the construction repayment requirements or the operation, maintenance, and replacement requirements of the project.

(ii) agrees to pay the operation, maintenance, and replacement costs relating to that additional use of any Project facility; and

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 260 acre-feet of water.

(3) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water deliveries or to meet any Project capacity allocation quantity limit of the Nation located in the State of Arizona under subsection (b)(2)(D) until

(i) approval by the State of New Mexico held by the Secretary for the use of the City.

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 260 acre-feet of water.

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Secretary may divert Project water from the project pool at 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—

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(B) the quantity of water necessary to supply a depletion from the San Juan River of 350 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(i) agrees to pay the operation, maintenance, and replacement costs relating to that additional use of any Project facility; and

(iii) the United States shall have no trust responsibilities under the Agreement and the project is not altered by the construction repayment requirements or the operation, maintenance, and replacement requirements of the project.

(ii) any water delivery to a Project Participant; and

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 260 acre-feet of water.

(3) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water deliveries or to meet any Project capacity allocation quantity limit of the Nation located in the State of Arizona under subsection (b)(2)(D) until

(i) approval by the State of New Mexico held by the Secretary for the use of the City.

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 260 acre-feet of water.

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Secretary may divert Project water from the project pool at 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 350 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(i) agrees to pay the operation, maintenance, and replacement costs relating to that additional use of any Project facility; and

(iii) the United States shall have no trust responsibilities under the Agreement and the project is not altered by the construction repayment requirements or the operation, maintenance, and replacement requirements of the project.

(ii) any water delivery to a Project Participant; and

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 260 acre-feet of water.
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 Upper Colorado River System.

The Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery 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) 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, BUT IN SUCH MANNER 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 APPOINTMENT MADE TO THE STATE OF ARIZONA BY ARTICLE III(A) OF THE COLORADO RIVER COMPACT; OR

(ii) SUBJECT TO SUBPARAGRAPH (B), A PART OF, AND CHARGED AGAINST, THE AVAILABLE CONSUMPTIVE USE APPOINTMENT MADE TO THE STATE OF NEW MEXICO BY ARTICLE III(A) OF THE COLORADO RIVER COMPACT, IN WHICH CASE IT SHALL—

(1) BE A PART OF THE COLORADO RIVER WATER THAT IS APPOINTED TO THE STATE OF ARIZONA IN ARTICLE II(B) OF THE CONSOLIDATED DECREES OF THE SUPREME COURT OF THE UNITED STATES IN ARIZONA V. CALIFORNIA (547 U.S. 150) AS MAY BE AMENDED OR SUPPLEMENTED;

(2) BE IDENTIFIED IN SECTION 104(A)(1)(B)(II) OF THE ARIZONA WATER SETTLEMENTS ACT, (118 STAT. 3478).

(B) PRESERVATION OFExisting RIGHTS.— Rights to the consumptive use of water available to the Upper Basin from the Colorado River System water between the San Juan River in New Mexico and the State of Arizona, pursuant to the Boul- ders Canyon Project Act (43 U.S.C. 617 et seq.), shall be accounted for pursuant to subsection (c) of the Colorado River Compact.

(III) BE ACCOUNTED AS THE WATER IDENTIFIED IN PARAGRAPH (I) OF THE MARCH TREATY.

(IV) BE CREDITED AS WATER REACHING LEE FERRY PERSUANT TO ARTICLE III(C) AND (III) OF THE COLORADO RIVER COMPACT;

(2) SUBJECT TO SUBPARAGRAPH (B), AN EQUIVALENT QUANTITY OF WATER TO BE DELIVERED FROM THE NAVAJO RESERVOIR WATER SUPPLY FOR USE WITHIN THE STATE OF NEW MEXICO WITHIN THE NAVAJO NATION.

(C) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements for any use relating to the Project within the State of Arizona that occurs as determined under section 11 of public law 87–483 (76 Stat. 99), the Nation may temporarily forbear the delivery of water pursuant to subsection (c). Nothing in this clause shall authorize the Secretary to forebear the delivery of water, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(D) FORFEITURE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage of water occurs that offset the diversion of water authorized for the Project, the Project Participants shall be accounted for pursuant to paragraph (B). Nothing in this subsection shall apply to the delivery of water to the State of Arizona within the Navajo Nation for the purposes authorized by section 4 of the March Treaty.

(2) LIMITATION OF FORFEITURE.—The Nation may authorize the forfeiture 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.

(E) EFFECT.—The forfeiture of the delivery of water under paragraph (1) shall be subject to the requirements for any use relating to the Project within the State of Arizona that occurs as determined under section 11 of public law 87–483 (76 Stat. 99), the Nation may temporarily forbear the delivery of water pursuant to subsection (c).

(1) PROPERTY OF THE PROJECT.—Notwithstanding any other provision of law—

(i) WATER MAY BE DIVERTED BY THE PROJECT FROM THE SAN JUAN RIVER IN THE STATE OF NEW MEXICO FOR USE WITHIN THE STATE OF NEW MEXICO IN THE LOWER BASIN, AS THAT TERM IS USED IN THE COLORADO RIVER COMPACT;

(ii) ANY WATER DIVERTED UNDER PARAGRAPH (1) SHALL NOT BE TAKEN INTO ACCOUNT, BE THREATENED, OR REDEEMED FOR THE CONSUMPTIVE USE APPOINTMENT MADE TO THE STATE OF NEW MEXICO BY ARTICLE III(A) OF THE COLORADO RIVER COMPACT; AND

(iii) ANY WATER SO DIVERTED BY THE PROJECT INTO THE LOWER BASIN WITHIN THE STATE OF NEW MEXICO, OR ANY WATER DIVERTED FROM THE SAN JUAN RIVER IN THE STATE OF NEW MEXICO IN THE LOWER BASIN, AS THAT TERM IS USED IN THE COLORADO RIVER COMPACT; OR

(iv) THE SECRETARY MAY PERPETUATE THE FORFEITURE OF WATER UNDER PARAGRAPH (1) FOR AS MANY YEARS AS SHE CONSIDERS NECESSARY TO OFFSET THE SHORTAGE OF WATER LAID TO THE PUBLIC AND THE NAVAJO NATION.
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(11) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed as of the date of execution.

(12) 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) 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.

(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 costs allocable to the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(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 City to satisfy the obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(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 allocable to the City and 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 Government entity to the Jicarilla Apache Nation for use of the Jicarilla Apache Nation for the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(6) TITLE TRANSFER.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(4) TEMPORARY WaiverS 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.

(5) PAYMENT BY UNitesTas.—Any operation, maintenance, or replacement costs of the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(6) 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.

(7) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a facility transferred to the Nation under section 1062(f) shall terminate on the date on which the Project facility is transferred.

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 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 to section of the Pipeline to the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary 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) 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 of Farmington; 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.
(c) 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.
(d) 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 on any land, buildings, or related 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 or liable by any court for damages of any kind.
(Sec. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.)
(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of appropriation under this Act, the Secretary, 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.—
(1) IN GENERAL.—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—
(A) not more than 800 acre-feet of ground-water in the Little Colorado River Basin in the State of New Mexico; and
(B) not more than 770 acre-feet of ground-water in the Rio Grande Basin in the State of New Mexico.
(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.
(c) COST-SHARING.—
(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land 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).
(d) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes an Agreement.
(e) 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 subsection (b) shall be conveyed to the Nation; 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 REPLACE-
MEN T.—
(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 wells 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 HOGBACK-CULEI 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 water diverted under this section for the rehabilitation of 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
(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 NAVAGA PROJECTS.
(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate 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
(b) CREDIT.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Culei 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, and (d) other agreements with the Nation and the State of New Mexico; and
(e) OPERATIONS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Navajo Irrigation Districts that elect to participate, shall—
(1) conduct a study of Non-Navajo Irrigation Distric
t 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 re-construct irrigation diversion and ditch facilities to improve water use efficiency.
(f) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).
(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of interest, grants, contributions, or any combination of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).
(g) 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).
(h) AUTHORIZATION OF APPROPRIA-
TIONS.—
(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 $507,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.
(2) ADJUSTMENTS.—The amount under para-
graph (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 type of construction for which amounts and (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) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—
      (i) 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.
      (ii) WALES 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.
   (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.—
      (1) DIVERSION AND USE OF WATER.—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 the use of the water by the Nation or a subcontractor of the Nation if—
      (i) the depreciable rate 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.
      (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 right to divert a 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 provide water for water supply, development of the Project, operation and maintenance, or replacement costs under this subtitle and the Contract.

(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 $47,500,000, 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.—
      (a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the period of fiscal years 2009 through 2019.
      (b) 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.
      (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 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:

<table>
<thead>
<tr>
<th>Diversion (acre-feet/year)</th>
<th>Depletion (acre-feet/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navajo Indian Irrigation Project</td>
<td>508,000</td>
</tr>
<tr>
<td>Navajo-Gallup Water Supply Project</td>
<td>22,650</td>
</tr>
<tr>
<td>Animas-La Plata Project</td>
<td>4,680</td>
</tr>
<tr>
<td>Total</td>
<td>535,330</td>
</tr>
</tbody>
</table>

(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

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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; or
(ii) the date that is 60 days after the date on which a subcontractor complies with—
(A) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and
(B) any other requirement of Federal law.

(E) ENFORCEMENT.—If 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) Transfer of any water use subcontract (including a renewal) under this subsection shall not be more than 59 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 216 of the Revised Statutes (25 U.S.C. 4001 et seq.).

(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 right to a right decree 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.—
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 this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplementary 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 lease under this section shall be not more than 18 years.

(C) NULLIFICATION.—If a condition described in subparagraph (A) is not substantially met, the Nation may terminate the Agreement and contract for a lease described in paragraph (1) of this subsection.

(D) TERMINATION.—On issuance of an order to terminate the Agreement and contract for a lease described in paragraph (1) of this subsection—

(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) is not substantially met, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (B) 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 test to determine or resolve an accounting of the use of water under this subtitle in the State of 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.

(C) EFFECT ON RIGHTS IN WATER.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section shall affect the rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in Arizona, 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 another river basin of 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 (e).

(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 in the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011 et seq.).
(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval of 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 shall withdraw or allocate any 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.

(C) APPROVAL.—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.

(2) LIABILITIES.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the enforcement or the payment of any amounts withdrawn from the Trust Fund by the Nation.

(3) LIABILITIES.—On receipt of an expenditure plan under subsection (a), the Secretary may determine that the plan is reasonable and consistent with this subtitle.

(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 subsection (c).

(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 shall be distributed to any Nation member on a per capita basis.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary may determine that the plan is reasonable and consistent with this subtitle.

(D) 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.

(E) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(F) CONDITIONS.—Any amount authorized to be appropriated for the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal:

(A) before December 31, 2013; and

(B) until the date on which the stream in the state in which the Duck Valley Reservation is located, including the Idaho segment of the Snake River, is restored to its predevelopment condition.

(G) 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) $2,000,000 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, the United States, as trustee for 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 and allottees, retain—

(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 might have in the future, and 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 or described 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 claims for lost use or loss of benefits resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrue 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 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 lands, ecosystems, or natural resources due to loss of water or water rights; claims relating to infringement of, 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);

(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 claims relating to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to infringement of, 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 against theState of New Mexico, its agencies, or employees relating to damages, losses, 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 4.0, 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 any other trust fund-related agreements or contracts, or any other agreements or contracts involving 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 by the terms of the Agreement or this subtitle.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitations and applicable time period for 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) EFFECT OF SUBSECTION.—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 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 and costs of 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 Jurisdiction 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) to the extent of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer; and

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication 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 resolution of the water rights of the Tribes in the State in such a manner as to provide important benefits to—

(A) the United States.

SEC. 10803. DEFINITIONS.

In this subtitle—

(1) AGREEMENT.—The term "Agreement" means the agreement entitled the "Agreement at Wild Horse Reservoir for use on tribal land off the Reservation.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—The Tribes shall use amounts in the Development Fund to—

(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.

(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 OYHEE 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 Water Rights Development Fund established by section 10807(c)(1).

(5) RESERVATION.—The term "Reservation" means the Duck Valley Reservation established by 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.

(b) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) STATE.—The term "State" means the State of Nevada.

(d) 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.

(e) TRIBAL WATER RIGHTS DEVELOPMENT FUND.—The term "tribal water rights development fund" means the fund established by section 10807(b)(1).

(f) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The term "tribal water rights not subject to loss" means the water rights of the Tribes in the Duck Valley Reservation.

(g) TRIBAL WATER RIGHTS RESERVATION.—The term "tribal water rights reservation" means the portion of the east fork of the Owyhee River in Nevada that is located in the State.

(h) 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 (b) and to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) S C H E D U L E D R A T I F I C AT I O N.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL W A T E R 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 on tribal land off the Reservation.

(d) E N V I R O N M E N T A L 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) P E R F O R M A N C E OF OBLIGATIONS.—The Secretary and any other head of a Federal agency involved in 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 supplemental agreement, shall enact a water code to administer tribal water rights.

(2) INTERNAL ADMINISTRATION.—The Secretary shall delegate 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; FUNDING.—

(1) The Agreement projects and other related economic development projects; or

(2) for other purposes under subparagraph (B).

(b) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii) 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.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund for each of fiscal years 2010 through 2014.

(d) DEVELOPMENT 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 Secretary shall use amounts in the Development Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Irrigation Project; 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 in the Funds only until the effective date described in section 10808(d).

(e) Administration of Funds.—Upon completion of the actions described in section 10808(c)(3), 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 prior to spending any amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) Description.—The expenditure plan shall specify in detail in which purposes for which amounts of the Tribes remaining in the Funds will be used.

(C) Approval.—On receipt of an expenditure plan under paragraph (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 each 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)(3). No amount made available under this subsection shall be included in the waivers under section 10808(a) until the waivers under section 10808(a) take effect.

(g) No Per Capita Payments.—No amount from the Funds shall be allocated to the Tribes including any amount 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 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 or the Secretary authorized to execute a waiver and release of—

(1) all claims for damages, losses, or injuries to water rights or water resources due to loss of water or water rights (including damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights) within the State of Nevada 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, up to and including the effective date; and

(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, up to and including the effective date; 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, up to and including the effective date; and

(2) 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, up to and including the effective date; and

(3) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle; or

(4) 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 water, water rights, land, or other resources due to loss of water or water rights) within 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, up to and including the effective date; and

(4) 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 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;

(5) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Basin and Range Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) Effective Date.—Notwithstanding anything in the Agreement, the Tribes, or the United States in the Agreement expressed, or could have expressed, 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 in 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 the Secretary notifies the Tribes of 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 this Act of March 11, 2009.

(b) Limitation of Claims and Rights.—Nothing in this subtitle—
The State, or the Tribes.

impairs or impedes the exercise of any civil

Nothing in the Agreement or 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 In-

Indian tribe in a judicial or administrative

agency action.

(2) affects the ability of the United States

to take actions, acting in its capacity as

trustee for any other Tribe, Pueblo, or allot-

tee;

(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 Agree-

ment or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal pro-
ceeding.

(d) RESERVATION.—The Reservation shall be

considered to be the property of the Tribes; and

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 this subtitle restricts, enlarges, or otherwise determines the sub-
ject 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 provi-
sions 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 deter-

mine 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


(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 coopera-
tive geologic mapping program in 1992, no modern, digital, geologic map exists for approx-
imately 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 "pre-
dicting" 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 "impor-
tant" and inserting "available";

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended—

(1) by striking paragraph (1) and inserting "and manage-

ment" before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES.—Section 4(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sen-

tence—

(1) in subparagraph (A), by striking "not later than" and all that follows through "year after the date of enactment of the Om-

nibus Public Land Management Act of 2009;";

(2) in subparagraph (B), by striking "not later than" and all that follows through "in accordance; and";

(3) in the matter preceding clause (i) of subparagraph (B) by striking "not later than" and all that follows through "submit and";

(4) in subparagraph (B), by striking "not later than" and all that follows through "in accordance; and";

(5) limits the right of a party to the Agree-

ment or this subtitle.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geo-

logic 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";


(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 agen-
cies of the Department of the Interior;".

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the Na-

tional Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(A) in paragraph (2)—

(i) by inserting "the Secretary of the Interior or a designee from the Department of the Interior, after "Administrator of the Environmental Protection Agency or a designee;";

(ii) by inserting "and" after "Energy or a designee;";

(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 in-

serting "In consultation;";

(ii) by striking "Chief Geologist, as Chair-

man" and inserting "Associate Director for Geology, as Chair"; and

(iii) by striking "one representative from the private sector" and inserting "2 rep-

resentatives from the private sector".

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b)(b) is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as para-

graph (4); and

(C) by inserting after paragraph (2) the fol-

lowing:

"(3) provide a scientific overview of geo-

logic 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. 31a(a)(1)) is amended by striking "10-month" and inserting "11-

member".

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geo-

logic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) in paragraph (1), by striking "geologic maps" and inserting "geologic map; and"

(2) in paragraph (2), by striking para-

graph (A) and inserting the following:

"(A) all maps developed with funding pro-

vided by the National Cooperative Geologic Mapping Program, including under the Fed-

eral, State, and education components;".

(h) BIENNIAL REPORT.—Section 8 of the Na-

tional Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking "Not later" and all that follows through "bienni-

elly" and inserting "Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and bi-

ennially;"

(i) AUTHORIZATION OF APPROPRIATIONS; Al-

olocation.—Section 9 of the National Geo-

logic Mapping Act of 1992 (43 U.S.C. 31b) 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 "2009" and inserting "2019";

(B) in paragraph (1), by striking "50" and inserting "50"; and

(C) in paragraph (2), by striking 2 and in-

serting "4".

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the In-

terior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in co-

ordination with the State of New Mexico (re-

duced to in this section as the “State”) and any other entities that the Secretary deter-

mines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, con-

duct a study of water resources in the State, including—

(1) a survey of groundwater resources, in-

cluding an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater re-

sources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater re-

sources to recharge;

(E) the interaction between groundwater and surface water;

(F) the sustainability of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bed-

rock geology, including the effect of the ge-

ology on groundwater yield and quality;

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the El Malpais Basin, Salt Basin, Tularosa Basin, Hueso 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 Sec-

retary shall submit to the Committee on En-

ergy 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, the National Oceanic and Atmospheric Administration, and other Federal agencies establish a national ocean exploration program within the National Oceanic and Atmospheric Administration to be conducted with other ocean exploration, research, and technology programs.

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, or otherwise unknown areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) make an effort to extend deep ocean regional studies, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vents 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 Advisory Board established under section 12005(b); and

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

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment 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 other Federal agencies, shall conduct exploratory research and development to improve the public understanding of oceanic and atmospheric sciences;

(b) PURPOSE.—The purpose of the program is to encourage and promote scientific progress for the informed management, conservation, and development of oceanic and marine resources; and

(c) ADMINISTRATIVE STRUCTURE

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) establish an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(i) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(ii) to improve availability of communication infrastructure, including satellite capabilities, to such programs;

(iii) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by the programs available to the public;

(iv) to conduct public outreach activities that improve the public understanding of oceanic and atmospheric sciences;

(v) to develop and implement, in consultation with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies;

(b) BUDGET COORDINATION.—The task force shall coordinate agency budgets in their annual budget that supports the activities identified in the strategy developed under section (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. 12005. OCEAN EXPLORATION ADVISORY BOARD.

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

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

(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.

SEC. 12007. OCEAN EXPLORATION, RESEARCH, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The purpose of the program is to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technological capabilities of the marine exploration, research, and development programs.

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

SEC. 12008. 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 other Federal agencies, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(ii) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(iii) to improve availability of communication infrastructure, including satellite capabilities, to such programs;

(iv) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by the programs available to the public;

(v) to conduct public outreach activities that improve the public understanding of oceanic and atmospheric sciences;

(vi) to develop and implement, in consultation with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies;

(vii) 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 with their annual budget that supports the activities identified in the strategy developed under section (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. 12009. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) establish an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(i) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(ii) to improve availability of communication infrastructure, including satellite capabilities, to such programs;

(iii) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by the programs available to the public;

(iv) to conduct public outreach activities that improve the public understanding of oceanic and atmospheric sciences;

(v) to develop and implement, in consultation with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies;

(vi) 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 agency budgets in their annual budget that supports the activities identified in the strategy developed under section (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.).
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, DUTY 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 ocean and coastal resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal sciences.

(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 National Geospatial-Intelligence Agency, 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, source, 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 geographic information system 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 register as a means of providing 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, geographic information, and living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, pipelines, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources; and

(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 MAPPINGS.

(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 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 Geologic Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the National Aeronautics and Space Administration, the National Geospatial-Intelligence Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(co) 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 the member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The sub-committee shall be representative of the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional sub-committees 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) interest 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.
in 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. 12208. 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 appropriated pursuant to subsection (a) of section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892), 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 12206 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. 853).

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(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(d)).

(3) COMMITTEE.—The term ‘‘Committee’’ means the House Committee on Natural Resources.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ‘‘exclusive economic zone’’ means the exclusive economic zone of the United States established by Presidential Proclamation No. 5938, 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 archival information concerning the boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustic, satellites, aerial photogrammetry, lidar, and imagery, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ‘‘terrestrial 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 5938, dated December 27, 1980.

(7) TERRITORIAL SEA.—The term ‘‘nongovernmental entities’’ includes non-governmental organizations, members of the academic community, and private sector organizations that provide services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphic data, geographic or manmade physical features, phenomena, and legal boundaries of the Earth.
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 national 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 safety 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’s benefits from them;

(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 to “climate change” and “climate” (as defined in section 3 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the merged lands lying seaward and outside of the Outer Continental Shelf shall be a part.

(3) place the United States in a leadership role in the development of global and regional ocean observing systems that support international obligations to contribute to the Global Ocean Observing System, the National Ocean Observing System, and other related systems;

(4) improve ocean and coastal observing systems in order to—

(A) enhance administration and management of the Nation’s marine resources and the general public’s benefits from them;

(B) ensure coordination of the System with other oceanographic and marine activities, including oceanographic and marine research programs 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 the environment, in support of Federal assets, including regional information coordination entities, and to establish policies and standards for and ensure continuity of data streams from Federal and non-Federal assets;

(ii) large scale computing resources and related modeling, and related modeling, research, data management, basic and applied technology development and public education and outreach programs, that are managed by member agencies of the Council.

(5) non-Federal assets.—The term “non-Federal asset” means an asset that is owned by a non-Federal entity and that is not otherwise restricted for integration, management, and dissemination by the System.

(6) regional information coordination entities.—

(A) in general.—The term “regional information coordination entity” includes regional organizations, universities, non-governmental organizations, or the private sector.

(B) certain included associations.—The term “regional information coordination entity” includes the following associations described in the System Plan:

(7) Secretary.—The term “Secretary” means the Secretary of Commerce, acting through the Under Secretary for Oceans 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. 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 described in section 7002 of title 10, United States Code.

(3) Federal assets.—The term “Federal assets” means all relevant non-classified civil, military, and civilian ocean, coastal, and Great Lakes observational assets, 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 asset” means an asset that is owned by a non-Federal entity and that is not otherwise restricted for integration, management, and dissemination by the System.

(6) Regional information coordination entities.—

(A) in general.—The term “regional information coordination entity” includes regional organizations, universities, non-governmental organizations, or the private sector.

(B) Certain included associations.—The term “regional information coordination entity” includes the following associations described in the System Plan:

(7) Secretary.—The term “Secretary” means the Secretary of Commerce, acting through the Under Secretary for Oceans 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 satisfy the international obligations to contribute to the Global Ocean Observing System and the Global Earth Observation System of Systems.

(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 the environment, in support of Federal assets, including regional information coordination entities, to establish eligibility for integration into the System, and to 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;

(ii) large scale computing resources and related modeling, research, data management, basic and applied technology development and public education and outreach programs, that are managed by member agencies of the Council.

(2) Federal assets.—The term “Federal assets” means all relevant non-classified civil, military, and civilian ocean, coastal, and Great Lakes observational assets, 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 Council shall establish 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) establish protocols and standards for System data processing, management, and communication;

(C) develop contract certification standards and compliance measures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to establish national and regional conformity with the standards and protocols established by the Council, and that are relevant to the observations.
are integrated into the System on a sustained basis;
(F) identify gaps in observation coverage or needs for capital improvements of both Federal and non-Federal assets;
(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the Council, an advisory committee established under subsection (d), a competitive matching grant or other programs—
(i) to promote intramural and extramural research and development of technologies that have been demonstrated to be useful to the System and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System, and that furthers the purposes of this subtitle and the System Plan.
(ii) to promote intramural and extramural research and development of technologies that have been demonstrated to be useful to the System and that furthers the purposes of this subtitle and the System Plan.
(J) develop and have responsibility for a data management and coordination system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and atmospheric conditions and affecting 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 Observation 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 and operate under a strategic plan new, innovative, and emerging observation technologies including testing and field trials; and
(i) migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;
(ii) to facilitate the migration of new, innovative, and emerging observation technologies into the System to provide regional information coordination entities, and develop and implement efficient and effective administrative, operational, and management procedures for allocation of funds among contractors, grantees, and non-Federal assets of the System are integrated into the System on a sustained basis.

(2) 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 shall fulfill the purposes of this subtitle and the System Plan.
(B) TERMS OF SERVICE.—Members shall serve for 3-year terms if the remainder of the unexpired term is less than 1 year.
(C) COMPENSATION AND EXPENSES.—Members may participate in the functions of the System advisory committee.
(D) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator or the chairperson.
(E) DETERMINATION.—The System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—
(i) 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
(ii) 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 technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.
(B) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of sections 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 Observation Committee, as appropriate.
(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.
(C) APPOINTMENT.—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.

(5) 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.

(6) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(7) 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, 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.

(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.
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.

(1) Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other Federal assets or between regional information coordination entities and other regional information coordination entities.

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, Indian tribe, any Federal agency, or any public or private organization, or individual.

(b) RECEIPT.—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 agreements, 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) REPORT.—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 and the 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 the capability of observing the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) a description of 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 and activities related to the System; and

(6) a description of benefits of the program established in implementing this subtitle.

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 and the roles of 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 within 60 days of publication. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. DEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator of the National Oceanic and Atmospheric Administration, shall prepare an independent cost estimate for operations and maintenance of the existing Federal assets of the System, and planned and 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 to the Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing Federal 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 Federal assets necessary for the System that are estimated to be in excess of $50,000,000 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 purpose 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—Federally Coordinated 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.

(b) 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—

(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 consist of the Federal agencies that execute Federal activities on ocean acidification and shall establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be composed of representatives of the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, and the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(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; and

(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; facilitate community and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources; and

(3) 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.

(4) REPORTS TO CONGRESS.—

(a) ANNUAL 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—

(1) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(2) describes the progress in developing the plan required under section 12405 of this subtitle.
(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.

SEC. 12405. 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 12406 to the Chair of the Committee on Commerce, Science, and Transportation of the Senate and the Chair and Ranking Member of the Committee on Science and Technology of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.—

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for funding research, monitoring, and managing ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems, 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 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 programs with and on monitoring ocean acidification and its impacts; and

(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 and implementation of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) research activities;

(B) monitoring activities;

(C) technology and methods development;

(D) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge on ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and research with other relevant Federal agencies, 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 are necessary to carry out the purposes of this title 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 a productive 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; and

(2) $12,000,000 for fiscal year 2010;
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:

"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 coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion for commercial, industrial, 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 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 program;  
"(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs or fiscal year 2011;  
"(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 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 and the threats to those values that should be avoided.

"(2) Each participating coastal state, after consultation with such 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 any other information from the landowner relevant to administration and management of the land.

"(3) The Secretary may make a grant under the program unless the State or local governmental entities agree to use the funds provided for acquisition of property or easements shall complement working waterfront needs.

"(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTION.—

"(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. A grant 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 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 administer land use regulations.

"(f) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may not make a grant under the program unless the grant application is consistent with the purposes of the program.

"(A) in general.—Grants under the program shall require that—

"(2) WAIVER OF REQUIREMENT.—The Secretary may require the grant recipient or another appropriate public agency designated by the grant recipient in perpetuity.

"(B) the property will be managed in a manner that is consistent with the purposes of the program.

"(3) OFFERING FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources shall be applied to 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 after 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 in—

"(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.

"(d) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—Nothing in the 15 percent eligibility provision under this section shall be available for acquisition of lands beneficial National Estuarine Research Reserves.

"(e) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available under this section shall be used for administrative costs.

"(f) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If a grant awarded under this section is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

"(A) such assurances as the Secretary may require that—

"(i) the title to the property will be held by the grant recipient or another appropriate public agency designated by the grant recipient in perpetuity.

"(ii) the property will be managed in a manner that is consistent with the purposes for which the plan was acquired, and the Secretary shall approve and monitor the management plan; or

"(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.
"(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 non-Federal match under subsection (g), in accordance with this section.

(b) DISPOSITION OF PROCEEDS.—Notwithstanding subsection (g), the Secretary 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 proceeds from the sale of land under this Act and proceeds from the sale of lands under the first section, in accordance with this section.

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 13), is amended by adding at the end the following:

"SEC. 26. NORTH DAKOTA TRUST FUNDS."

"(a) NORTHERN PANHANDLE CONSERVATION EASEMENT.—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserved interest whereby the grantee acquires all rights, title, and interests 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 expressed in a reservation 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.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the period of fiscal years 2009 through 2012:

"(A) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATIVE EXPENSES.—

(A) DEFINITION OF ADMINISTRATIVE EXPENSES.—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 the funds 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 SHARING.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i) —

(II) any 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.

(c) North Dakota State Expenses.—Amounts made available to States for administrative expenses under clause (i) —

(1) shall be divided evenly among all States provided assistance under the Program; and

(2) 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.

Title XIII—Miscellaneous

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 the 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 to the Bonneville Power Administration directly or through a grant to another entity for a project carried out under the Program shall be credited toward the non-Federal share of that 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 (b), by striking "2001 through 2005" and inserting "2009 through 2015"; and

(2) in subsection (h), by striking paragraph (2) and inserting the following:

"(2) Administrative Expenses.—

(A) Definition of Administrative Expenses.—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 the funds 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 Sharing.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

(II) any 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) —

(1) shall be divided evenly among all States provided assistance under the Program; and

(2) 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.

Title XIII—Miscellaneous

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 726a(a)) is amended by striking paragraph (3) and inserting the following:

(3) the validity of any determination, permit, approval, authorization, 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’); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (16 U.S.C. 4331 et seq.); and

(D) the Historic Preservation Policy Act of 1980 (16 U.S.C. 470c et seq.); and

(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

Title XIII—Miscellaneous

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. 7232(a)) is amended 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 128(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) is—

(A) the approximately 135 acres of land identified as "Parcel A" on the map;

(B) 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 convey all real property and associated rights of public access and use, in fee simple, to the Institute subject to any terms and conditions as the Secretary determines to be necessary.

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) 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) GENERAL.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) SHELTER OR SHELTERS.—In general, the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A).

(1) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall re-vert, 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) REQUIREMENT FOR COMPLEMENTATION.—

Any determination of the Secretary under clause (1) shall be made on the record and after an opportunity for a hearing.

(i) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Institute for, any costs incurred by the Institute in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(ii) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned has paid for removal of improvements to the parcel, 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.

(iii) DEPOSIT IN FUND.—The amount received by the Secretary of Energy under paragraph (1) shall be deposited into the Energy Efficiency and End-Use Technologies Fund established under section 201 of the Energy Policy Act of 1992 (42 U.S.C. 8241).

(6) COSTS.—

(A) IN GENERAL.—The amount paid by the Secretary of Energy for the conveyance of the parcel under paragraph (1) shall be equal to difference between—

(1) the costs incurred by the Secretary of Energy for the conveyance of the parcel to the Institute as otherwise provided in this section, no additional compensation for the conveyance of the parcel to the Institute and

(2) the reimbursement of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) that the Secretary concerned shall refund to the Institute.

(B) TRANSFER OF ADMINISTRATIVE JURISDICTION.

(i) IN GENERAL.—The Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force the administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(ii) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of the Air Force 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.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take 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; and

(C) indemnify the United States and foreclose upon any claims described in subparagraph (D).

(i) ANY ENVIRONMENTAL REMEDIATION OR RESPONSE.—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.

(9) NO ADDITIONAL COMPENSATION.—

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may authorize access to the parcel described in subparagraph (A) for purposes described in subparagraph (B) and described as the "Institute Land Conveyance" and dated March 18, 2008.

(11) ADDITIONAL TERM AND CONDITIONS.—

The Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may add additional terms and conditions for the conveyance under paragraph (1) that the Secretary concerned determines to be necessary to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION OVER THE PARCEL OF LAND IDENTIFIED AS "PARCEL B" ON THE MAP.

The Secretary of the Air Force, in consultation with the Secretary of Energy, in conformance with the transfer under paragraph (1), may grant to the Institute administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(d) IN GENERAL.—The Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force the administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(e) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of the Air Force 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. 14101. AUTHORIZE ADMINISTRATIVE ACTIONS 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 analogous 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 the costs of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium established through this section as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1) may—

(A) conduct basic, translational, and clinical research;

(B) focus on developing therapies and clinical rehabilitation in paralysis research;

(C) develop tools and technologies to improve function and independence in paralysis and other disabilities;

(D) replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director, upon appropriate procedures 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.

(5) 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.

Subsection 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 OF PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES;

(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 the costs of planning, establishing, improving, and providing basic operating support to multi-center 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, disorder, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multi-center 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 translational purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of inter-institutional collaborations that may include 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;

(1) To State and local health and disability agencies focused on—

(A) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(B) providing education and training opportunities and programs to health professionals and allied caregivers; and

(C) 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.

(e) 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.

(f) 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.

TITLES—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 $41,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,000,000 to carry out this section for fiscal years 2009 through 2011. 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 $5,000,000 to carry out this section. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from
West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, in a speech given in the fall of 1964, as the War in Vietnam intensified, President Lyndon Johnson quoted Scripture from the Book of Matthew which says that when the floods came, but the house did not fall because it was founded upon rock.

President Johnson then said the following, "The house of America is founded upon sure and if it be known that whole, then the storm can rage, but the house will stand forever."

Once again we find ourselves as a Nation seeking shelter from the storm; the storm of two wars, the storm of economic collapse. But like President Johnson, we remain convinced that no matter what adversity we may be facing, if we are faithful stewards of our land, our house will stand forever.

The legislation before us today, S. 22, the Omnibus Public Land Management Act of 2009, will keep America's land whole. The bill contains more than 160 individual measures, including new wilderness designations, new wild and scenic rivers, new hiking trails, heritage areas, water projects, and historic preservation initiatives.

Taken as a whole, this omnibus bill is the most important piece of conservation legislation we will consider this year and perhaps this Congress. Some may say, and will argue today, no doubt, that the challenges we face mean that we should not spend time considering environmental legislation. They dismiss the package before us as "feel good" legislation. Well, I think the American people could use some feel good legislation right now. They could use legislation that protects our pristine public lands, the clear running streams and rivers, the wide open spaces, and the unique history that make this Nation great.

When the headlines read that banks are failing and companies are folding, they could use some headlines announcing that our national parks are still beautiful, our national battlefields are still sacred, and our rivers are still wild and scenic.

When the headlines read that America's status as an economic superpower is in doubt, they could use some headlines announcing that our status as a conservation superpower has never been stronger.

The package before us is exactly what the American people want, and it is exactly what our public lands need.

In my own case, I'm enormously proud of the fact that included in this package is the Wild Monongahela Act, which will designate more than 37 acres of wilderness in my home State of West Virginia.

It should be noted that we are amending S. 22 today to insert language making it absolutely clear that this bill will not affect existing State authority to regulate hunting, fishing, and trapping on the lands in this package. The amendment also makes clear that nothing in S. 22 will affect these activities. My colleagues should know that this provision was negotiated with the National Rifle Association and has the NRA's full support.

Opponents of this bill fail to grasp the deep and abiding love the American people have for their land. They fail to understand the power of our wide-open spaces and magnificent vistas, the power of those magnificent vistas to inspire our generation and renew our spirit. It's that kind of inspiration and that kind of renewal that are always valuable, but when times are tough, they are priceless.

We should approve S. 22 today, not in spite of the challenges we face but because of them. These storms will pass and the house of America will be standing because we have kept our land whole.

I urge passage of S. 22.

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

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, I have a series here of questions I would like to ask under parliamentary inquiry, and that does not count against my time; is that correct?

The SPEAKER pro tempore. The gentleman has yet to be recognized for debate. It will not count against his time.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, just to be clear, as we are considering S. 22, has the gentleman from West Virginia made a motion to amend S. 22?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HASTINGS of Washington. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, is this motion by the Democrat bill manager the only way that this bill may be amended under suspension of the rules?

The SPEAKER pro tempore. The motion is permitted to specify whatever text might be proposed for passage by the House. The motion is debatable for 40 minutes and not subject to amendment, not even with unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, then, under suspension of the rules, no other Member except the Democrat bill manager may offer amendments that will directly to S. 22 to change any of other provisions of the bill which have not been considered by the House or which have substantive issues like cutting off recreational opportunities, reducing border security, locking up energy sources, or high costs?

The SPEAKER pro tempore. The motion is debatable for 40 minutes and is not subject to amendment, not even by unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, if S. 22 had been considered open rule, would any Member with a germane amendment be able to offer that amendment?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I think I know the answer, but further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may ask.

Mr. HASTINGS of Washington. Mr. Speaker, could the Rules Committee have issued a rule to allow Members from both sides of the aisle to offer amendments to strike objectionable provisions or restore House-passed language which was not included by the Senate?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I suspected that would be your response, Mr. Speaker.

Mr. Speaker, I yield myself 4 minutes.

Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules of the House.

Let us be very clear about what's happening on the House floor this morning. For weeks and months, Democrat leaders in the Senate and the House, and outside special interest groups, have repeatedly insisted that the House must pass this massive Senate bill without changing a single word or it will be doomed to Senate purgatory and no further action will be taken. This was the justification given for why every Member of this House should be blocked from offering their ideas and amendments to improve or change this 1,200-page bill. Yet this morning, as I have just confirmed with the Speaker through the parliamentary inquiry, Democrat leaders are using the special suspension process to
amend the Senate bill and simultaneously block other Members from offering an amendment.

The Senate’s Rubicon of not changing one word has now been crossed. S. 22 has been amended. If we change one part of this House—under suspension—then we have the opportunity to consider it in an open and fair manner. Instead, the Democrat leaders are shutting down everyone from offering amendments, including Democrats who have publicly been outspoken about wanting to remove provisions from the Senate bill. I urge these Democrats and all House Members to oppose this bill under suspension and demand a fair and open process of debate.

The suspension process, Mr. Speaker, should be reserved for noncontroversial bills with little or no cost to the taxpayers. Yet, this Senate Omnibus Lands bill costs over $10 billion and consists of over 170 bills folded into a 1,200-page monster piece of legislation. Mr. Speaker, under suspension, this bill consists of over 170 bills folded into a 1,200-page monster piece of legislation. Mr. Speaker, under suspension, this bill simply can’t afford it. Our National Parks Service system can’t even keep existing priorities open and in working order.

With the maintenance backlog of $9 billion on existing lands, Congress should not be passing a $10 billion bill to buy more lands to make the problem worse. This bill makes it more difficult for the Border Patrol and other law enforcement agencies to secure the southern border. And this bill makes criminals and potential felons out of children who want to collect fossils on Federal lands.

Mr. Speaker, I could go on much longer, but I only have 20 minutes for debate.

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

Mr. Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules. Members of the House should consider this bill in its entirety and what it does for our country.

This massive bill was assembled behind closed doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own bill passed despite broad policy differences that will have serious and harmful impacts. Members of the House should consider this bill in its entirety and what it does for our country.

This bill contains 19 provisions to block American-made energy production, locking away hundreds of millions of acres and trillions of cubic feet of natural gas. Under this bill, our country becomes less secure, and we must rely on foreign imports of energy to fuel our vehicles and run our businesses.

When the Federal Government shuts down energy production in America, we are sending good-paying jobs overseas. Over 3 million acres of land will be locked up from possible energy production, and new jobs won’t be created when Americans desperately need them in this economy. With our economy reeling, and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more expensive to get America’s economy back on track.

This bill also bans recreational access to millions of acres of public lands despite proponents’ claims that it will do otherwise. Lands that citizens currently use for enjoyment be barred from recreational vehicle use. Riding a bicycle won’t even be allowed. The SPEAKER pro tempore. The time of the gentleman has expired. Mr. HASTINGS of Washington. I yield myself an additional 10 seconds.

Mr. Speaker, this bill costs $10 billion at a time when taxpayers and the economy simply can’t afford it. Our National Parks Service system can’t even keep existing priorities open and in working order.

Under suspension of the rules, the House has only 40 minutes to debate the bill. With over 170 bills in this omnibus, that allows just seven seconds—seven seconds—to debate each bill. And of these 170 plus bills, 100 of them have never been passed by the House. Any notion that this is just a packaging of bills already passed by the House is absolutely false.

Now, I know that for some Members there may be a page or two in this 1,200-page bill that does something positive for their district. In fact, three separate pieces of legislation, Mr. Speaker, that I authored were attached to this package. But I am more concerned about the other bills that have not been closely examined or been debated by the House.

This massive bill was assembled behind closed doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own bill passed despite broad policy differences that will have serious and harmful impacts. Members of the House should consider this bill in its entirety and what it does for our country.

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When the Federal Government shuts down energy production in America, we are sending good-paying jobs overseas. Over 3 million acres of land will be locked up from possible energy production, and new jobs won’t be created when Americans desperately need them in our economy. With our economy reeling, and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more expensive to get America’s economy back on track.

This bill also bans recreational access to millions of acres of public lands despite proponents’ claims that it will do otherwise. Lands that citizens currently use for enjoyment be barred from recreational vehicle use. Riding a bicycle won’t even be allowed. The SPEAKER pro tempore. The time of the gentleman has expired. Mr. HASTINGS of Washington. I yield myself an additional 10 seconds.

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I recognize what I have just spoken about is inside baseball, legislative process arguments, yet it is important for the American public to understand the heavy-handed manner in which this House is being run. It’s also important for all Representatives to understand that this bill has now been amended and that we should have the opportunity to consider other changes to it.

For every Member of the House, there may be a page or two in this 1,200 page bill that does something positive for your district. In fact, three separate pieces of legislation, that I authored were attached to this package. However, I am more concerned about the other bills that have not been closely examined or debated by the House. This massive bill was written behind-closed-doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own small bill passed despite broad policies that will have a serious and harmful impact. Members of the House should consider this bill in its entirety and what it does to our country.

It contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. Under this bill, our country becomes less secure as we must rely on foreign imports of energy to fuel our vehicles and run our businesses.
Riding a bicycle won’t even be allowed. The harm to American’s outdoor enjoyment is so outrageous that even ESPN has covered it.

This bill costs $10 billion at a time when taxpayers and our economy simply can’t afford it. Our National Parks System can’t even keep existing properties open and in working order.

With a maintenance backlog of 9 billion dollars on existing lands, Congress should not be passing a $10 billion bill to buy more land and make the problem worse.

This bill makes it more difficult for the Border Patrol and other law enforcement to secure our southern border by restricting vehicle access onto specific lands. This bill would make criminals and potential felons out of chil-
dren and others who collect fossils on federal lands.

Mr. Speaker, I could go on much longer, but we have only 20 minutes for debate and we’re considering a package of over 170 bills, so we have just 7 seconds to debate each bill’s cost and effect upon domestic energy production, American jobs, recreation access to public lands, and border security. I urge my co-
league opposite passage of this bill under suspension of the rules and insist on the ability to consider it under a fair, open process to oppose passage of this bill under suspense of the rules.

Mr. Speaker, I urge that during the last session of Congress the gentleman from Arizona, from our committee, had 70 bills in this omnibus package that allows for amendments.

This provision incorporates the Paleontological Resources Preservation Act, which was introduced in the 110th Congress. Judy, Chairman RAHALL, the Paleontological Resources Preservation Act, contains significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture. The Judiciary Committee received an extended referral of H.R. 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects.

While I understand and support the deci-
sion, in light of the difficulty in passing S. 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee’s jurisdiction before the bill becomes law. I appreciate your willingness to work with me to make these refinements as soon as practically possible.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

John Conyers, Jr.,
Chairman

House of Representatives,
Committee on Natural Resources,

Hon. Nick Rahall,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

Dear Chairman RAHALL: I am writing regarding S. 22, the Omnibus Public Land Management Act of 2009, which has been received in the Office after passing the Senate. Subtitle D of title VI of that bill is a measure based on H.R. 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture.

This Public Land bill includes a provision that fails squarely within the jurisdiction of the House Judiciary Committee. Subtitle D of title six of the bill imposes both civil fines and criminal penalties for the excavation and removal of fossils and other archeological items from federal lands.

It also includes provisions relating to for-
fault and judicial review and enforcement of administrative fines—all within the purview of the Judiciary Committee.

Unfortunately, the Judiciary Committee was not given an opportunity to review or amend this language before consideration of S. 22 on the House floor today.

This provision incorporates the Paleontologi-
cal Resources Preservation Act, which was introduced in the 110th Congress. Judy, Chairman RAHALL, and I raised questions about this language in the last Congress. Staff from the House Resources Committee worked with our staff to try and address these concerns.

Subtitle D employs several approaches to regulate the removal of fossils from federal lands, including criminal penalties. Certainly, the removal or destruction of fossils is inap-
propriate and unauthorized. But in its haste to solve this problem, the Senate con-
ceded that a term of imprisonment is the an-
swer.

Subtitle D makes it a felony punishable by up to five years in prison to remove fossils from federal lands.

Even more troubling is that this crime could apply to a person who unintentionally removes a fossil or artifact from federal land; that is, who has no knowledge that the item may be a fossil or artifact. So someone could pick up what they thought was an interesting pebble and face five years in prison. I hope no Mem-
ber thinks that is appropriate.

These and other issues demonstrate the im-
portance of proper deliberation and review of criminal statutes by the Judiciary Committee before bills reach the House floor.

Chairman CONYERS and Chairman RAHALL have committed to working with me on bipar-
sian legislation to promptly address the var-
ious defects in the criminal penalty language, and I appreciate their support. It is our hope that this legislation will move quickly through the committee process and be considered on the House floor under suspension of the rules.

We must ensure that any criminal penalties imposed for the removal of fossils or artifacts from federal lands are directed at actual crimi-
nals and do not include the unintentional acts of law-abiding citizens who visit our national parks and forests each year.

House of Representatives,
Committee on the Judiciary,

Hon. Nick Rahall,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

Dear Chairman RAHALL: I am writing re-
garding S. 22, the Omnibus Public Land Management Act of 2009, which has been received in the Office after passing the Senate.

Title VI of that bill is a measure based on H.R. 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture. The Judiciary Committee received an extended referral of H.R. 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects.

While I understand and support the deci-
sion, in light of the difficulty in passing S. 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee’s jurisdiction before the bill becomes law. I appreciate your willingness to work with me to make these refinements as soon as practicable in subsequent legislation.

I would appreciate your including this letter in the Congressional Record during consid-
eration of the bill on the House floor. Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

John Conyers, Jr.,
Chairman

House of Representatives,
Committee on Natural Resources,

Hon. John Conyers,
Chairman, Committee on the Judiciary,
Washington, DC.

Dear Mr. Chairman: Thank you for your letter concerning the paleontological re-
source provisions of Subtitle D of title VI of S. 22 that fall within the jurisdiction of the Committee on the Judiciary, I appreciate
your understanding of the need to consider S. 22 in the House without amendment so as to ensure its enactment in a timely manner. I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation.

This letter, as well as your letter, will be entered into the Congressional Record during consideration of S. 22 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards,

Sincerely,

NICK J. RAHALL II, Chairman, Committee on Natural Resource.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 1/2 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, this bill contains a provision called the San Joaquin River Settlement. It's a poison pill that targets my constituents. If you vote for this bill today, you vote to end a San Joaquin Valley. This bill simply dries up 300,000 acres of farm ground. We already have 16 percent unemployment in my district. This bill ensures 20 percent.

I thought this Congress wanted to create local environmentalists really possess the power to force Congress to choose dead fish over living communities? How could this possibly be in the best interest of our country during these economic times? Spending $2.2 billion per fish to recover a Myotic Salmon run is completely irresponsible. Citizens Against Government Waste and the National Taxpayers Union have labeled this “The Billion Dollar Fish Fry.”

Mr. Speaker, if you like tumbleweeds, dry dirt, bankrupt farmers, communities without water, and people without jobs, you're going to love this bill. If you believe that the most basic rule of government is to provide water to the people, you must vote “no.” It's hard to imagine a more flawed approach than the one this Congress has taken today. Greed, dishonesty, and the vain hope of relief from lawsuits seem to be the primary motivation for passage of this bill.

Mr. Speaker, I urge my colleagues to vote “no” on this disastrous piece of legislation.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIER).

Mr. BAIRD. Will the gentleman yield?

Mr. Speaker, the prior gentleman described greed, dishonesty, and some other thing as a motivation for the bill. Would the Speaker please remind the gentleman that questioning motivation is not acceptable?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore. The Chair will remind all Members to address the Chair and refrain from improper acts.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIER), who has been very instrumental in crafting additional language in this bill.

Mr. ALTMIER. Mr. Speaker, I rise today in support of my amendment to the public lands bill S. 22. I commend my colleagues in both the House and the Senate for their efforts to advance the crucial 150 bills that are included in the underlying legislation.

This bill preserves key components of America's natural heritage for generations to come. As passed by the Senate, this bill did not do enough to protect the rights of our Nation's sportsmen. For this reason I worked to include in this bill language to rectify that oversight. I am pleased that the House has added my amendment to the public lands bill we're considering today because unless Congress includes the specific protections my amendment adds to this bill, efforts to regulate or limit hunting, fishing, or trapping could potentially move forward in the future.

Last year I offered an amendment to protect the rights of sportsmen on nearly 27 million acres of public lands within the National Landscape Conservation System. It passed the House 416–5 and is maintained within Title II of today's bill. Today we simply extend those same protections to two other sections of the bill: rivers and trails in title V and heritage areas in title VIII. This ensures that nothing in these sections of the bill shall regulate hunting, fishing, and limit their access to these public lands.

My amendment is straightforward and simple. It's supported by the NRA, and with its inclusion, I urge my colleagues, especially supporters of the second amendment, to vote in favor of this public lands bill today.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, here again on this House floor a 1,294-page bill has been dropped onto the American people with no committee hearing, not even a Rules Committee hearing, spending $10 billion.

Mr. RAHALL. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will start the time.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to withdraw my remarks.

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

There was no objection.

Mr. CULBERSON. Mr. Speaker, it is important, however, that this House of Representatives represent the people and do so in a way that does not demonstrate contempt for the opinion of the people. Mr. Speaker, has been dropped on the floor without regard for committee hearings, without regard for transparency, without regard to the promise that this leadership made to be the most transparent, open, and accountable Congress in the history of the United States, spending $10 billion that our children do not have. That is a complete violation of all the promises made by this leadership to the people.

And look at the bill that they're passing. This piece of legislation will make a criminal out of every tourist traveling to the western United States who makes the mistake of picking up a rock and throwing it in their trunk. Grandma and Grandpa are going to be thrown in jail. And read from the bill if you don't believe me. If you have no permit, if you're a paleontologist, and you pick up a rock and throw it in the car, if you alter a rock on federally owned land in most of the western States and throw it in the car, it is 5 years in prison. Page 526 of the bill, and it's been made very clear both in the legislation and already in this debate thus far.

Mr. RAHALL. Mr. Speaker, I yield for the purpose of making a unanimous consent to the distinguished gentleman of our Energy and Minerals Subcommittee, the gentleman from California (Mr. COSTA).

Mr. COSTA asked and was given permission to revise and extend his remarks.

Mr. COSTA. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of two important pieces of legislation that I have sponsored and that are now included in the natural resources bill that we have received from the Senate, S. 22.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

The first, the San Joaquin River Restoration Settlement Act, will bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Association, the U.S. Department of the Interior, and others. Representatives CARDOZA, MCNERNEY and RADANOVICE joined me as co-sponsors of this legislation. This bill is similar to the one that we introduced in the waning days of the 109th Congress, reformulated at the behest of the San Joaquin River Restoration Settlement Act. The bill approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California.
However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various “Third Parties” in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected water parties, such as the San Joaquin River Exchange Contractors, agreed to certain changes to the legislation to make the measure PAYGO neutral and to enhance implementation of the settlement’s “Water Management Goal” to reduce or avoid adverse water supply impacts to Friant Division irrigation contractors. The legislation that we are voting on today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries. The Bush Administration also supported this legislation.

This bill will approve a settlement that seeks to restore California’s second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world.

The Settlement has two co-equal goals: to restore and maintain fish populations in the San Joaquin River, including a self-sustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water service contractors consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the federal agencies.

The bill also authorizes $1 million for the California Water Institute at California State University, Fresno, for the creation of an Integrated Regional Water Management Plan for the Central Valley. The plan will serve as a guide for those in the study area to use to address and solve long-term water needs in a sustainable and equitable manner.

This legislation is crucial. Without this consensus resolution, the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush Administration, California Governor Schwarzenegger’s Administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement on December 11, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching “one of the largest environmental restoration projects in California’s history.” The Secretary further observed that “This Settlement closes a long chapter of conflict and uncertainty in California’s San Joaquin Valley – a chapter opened by a new commitment to environmental restoration and water supply certainty for the farmers and their communities.”

I share the former Secretary’s support for this agreement, and it is my honor to join with Representatives CARDOZA, MCNERNEY, and RADANOVICH, as well as Senators FEINSTEIN and BOXER who have previously introduced and supported this legislation to authorize and help fund the San Joaquin River Restoration Settlement.

For almost two years we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional and State requirements.

In November of 2007, the House Natural Resources Committee favorably reported a revised version of the bill (H.R. 4074) that included amendments conditionally agreed to by the parties that allow most Friant Division contractors to accelerate repayment of their construction obligation. In May of 2008, the Senate Energy and Natural Resources Committee favorably reported the Senate companion measure (S. 27) with provisions that further refined the accelerated repayment concept and addressed third party concerns about its implementation. These changes, included in the bill we introduce today, both increase the amount of up-front funding available for the settlement and decrease the bill’s PAYGO “score” by $88 million, according to the Congressional Budget Office. In exchange for early repayment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts, so-called “9D contracts” under federal Reclamation Law.

I note that the Department of the Interior and the Friant Water Users Authority on behalf of its members have had very specific discussions on how the repayment amounts will be calculated in accordance with this legislation, memorialized in a letter dated February 20, 2009, from Mr. Donald Glaser, Regional Director, Bureau of Reclamation for the Mid-Pacific Region. I request that Mr. Glaser’s letter be inserted in the RECORD.

These new contracts will be administered as repayment contracts consistent with federal Reclamation Law, including the Acts of August 4, 1939 (ch. 418, 53 Stat. 1187) and July 2, 1956 (ch. 492, 70 Stat. 483). The later Act, among other things, provides in part that the contractors shall have a first right “...to a stated share or quantity of the project’s available water supply ...” and a permanent right to such share or quantity upon completion of payment...

It is my understanding that, except as specifically provided in this legislation, the operative provisions of such repayment contracts will be substantially similar to the existing water service contracts, i.e., the law as it has arisen as to whether these Reclamation Law limitations would apply to water delivered under such a repayment contract after full repayment of capital, where a Friant contractor also had a contract for another supply under a water service contract, such as the Cross Valley Canal contract. It is my understanding that the Department of the Interior and Friant contractors concur that in such a situation, the acre-limitation and full-cost pricing provisions would not apply to water delivered from Central Valley Project facilities for which the capital costs had been fully paid, but would apply to water delivered from Project facilities for which the capital costs had not been repaid, such as water from the Cross Valley Canal contracts.

The Senate Committee amendments also include new provisions to enhance water management efforts of affected Friant water districts. These provisions are contained in Part III of Title X, Subpart A, of the legislation before the House today. These changes were developed by the parties to the settlement at my request and the request of Mr. CARDOZA and RADANOVICH. The Friant water districts have the best opportunity to mitigate water supply impacts resulting from the Settlement.

Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pump-back facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional River flows called for by the Settlement and the legislation.

In addition, with respect to Part III authorizing financial assistance for local projects for water banking and groundwater storage, recovery and conveyance, the bill authorizes the
Bureau of Reclamation to share up to 50 percent of the cost of such projects. It is my understanding that in administering other cost-sharing programs, the Bureau typically provides the maximum cost-sharing authorized unless the applicant requests less.

Nearly all 110th Congress parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it fully PAYGO-neutral.

The legislation we are introducing today includes existing funding, including direct spending on settlement implementation during the first ten year period of $88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, which will help pay for the Settlement, with the State of California now committing at least $200 million toward the Settlement costs during the next 10 years. When this funding is added to other federal funding authorized by the bill, and highly reliable water users are added together, there is at least $380–390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional funding sources.

It is my understanding that Senator Feinstein intends to work during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019, and I will do whatever I can to aid in those efforts.

Today's legislation continues to include substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors have great need to avoid setting aside the smallest water impacts as a result of the settlement, except on a voluntary basis.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

This agreement would not have been possible without a broad group of stakeholders, including water user representatives, environmental organizations, and legislators, reaching far beyond the settlement parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations, and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

I urge my colleagues in the House to approve this legislation and provide the Administration the authorization it needs to fully carry out the restoration, water management, and other actions called for under the settlement.

I also rise today in support of the Sequoia and Kings Canyon National Parks Wilderness designation.

This provision adds about 85,000 acres of wilderness to the Sequoia and Kings Canyon National Parks in California. About 45,000 acres of the wilderness created by this bill will be incorporated into the currently existing Sequoia-Kings Canyon Wilderness area. The other 40,000 acres will comprise a new wilderness area, which will be named after former Congressman John Krebs.

John Krebs served two-terms in Congress, from 1975 to 1979, representing California's San Joaquin Valley and the central Sierra Nevada mountains that include Sequoia and Kings Canyon National Parks. He was born in Berlin in 1926 and immigrated to the United States in 1946. He graduated from the University of California and later US's Hastings College of Law. He had lived in Fresno, California since 1958 and prior to being elected to Congress was active in local government, including serving a term on the Fresno County Board of Supervisors.

I had the great privilege of working in John Krebs first congressional campaign and joining him during his first term in Washington. It was through his efforts that Congress first provided federal wilderness designation for the Merced River area.

The wilderness areas designated by this Act include some spectacular areas within the Sequoia and Kings Canyon National Parks. The Redwood Creek area contains Redwood Mountain Grove, the largest stand of Giant Sequoia within the parks. The Redwood Canyon area also contains over 75 known caves, including the longest cave in California with over 21 miles of surveyed passage.

This bill is obviously very important to me—both for preserving these natural areas for future generations, as well as for honoring my former boss—and I urge my House colleagues to approve S. 22 so this measure can become law.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California, our subcommittee Chair of our Water and Power Subcommittee, Mrs. Grace Napolitano.

Mrs. NAPOLITANO. Mr. Speaker, allow me to speak in support of Senate bill 22, the Omnibus Public Land Management Act of 2009, within which are 30 separate authorizations for the Bureau of Reclamation and the United States Geological Survey.

The 30 provisions of this Act highlight the changing Western water environment. The bill authorizes conservation, water-use efficiencies, water recycling projects, addresses aging infrastructure issues, and allows for the feasibility study of many much-needed water projects.

Our Subcommittee on Water and Power heard most of these bills. Some were Senate bills, and were approved by unanimously by both sides. Seven California titles, XVII water recycling authorizations and two groundwater recharge authorizations are included in this bill. When completed, these projects will produce 500,000 acre-feet of reclaimed reuse water and added storage capacity. There are many areas of drought in the western States, including in my home State of California, which is now facing its third unprecedented drought year. Title XVI projects would allow for communities to expand their local water resources and lessen their reliance on unreliable imported water supplies.

Finally, this legislation will ratify two tribal water right settlements in Nevada and New Mexico and set a funding mechanism for many other settlements across the West. Most importantly, S. 22 will resolve many years of litigation and bring “peace in the valley” through a sustainable water supply for tribal and nontribal communities.

I might add this was on a bipartisan basis out of my committee at all times.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. Broun), a member of the committee.

Mr. BROUN of Georgia. John Locke, the great political philosopher, stated that “the preservation of property is the reason for which men enter into society” and that “no government hath the right to take their property, or any part of it, without their own consent, for this would be in effect to leave them no property at all.”

Our Nation is facing an economic crisis. Yet Democrats are forcing this Chamber to rush through the omnibus, or should I say ominous, lands bill today that will increase government spending by as much as $10 billion and permanently lock up tens of millions of acres of the people's land.

The Federal Government already owns over 650 million acres of land that it can’t take care of. The National Park Service alone faces a backlog of $9 million worth of projects that need to be funded. If S. 22 were to pass, there would be more wilderness acres in the United States than the total amount of developed land. It is a huge attack on people's rights and especially property rights.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. BROUN of Georgia. It is not the role of the Federal Government to hoard massive amounts of land, and I urge my colleagues to vote “no” on S. 22.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from California, Mr. Mike Thompson.

Mr. THOMPSON of California. I thank the chairman for all the good work he’s done on this bill and ask that we enter into a colloquy on this bill on the Trinity River.

Mr. Chairman, as you know, the Trinity River is the largest tributary to the Klamath River and is key to helping restore salmon and steelhead stocks along the entire Pacific coast. The Federal Government
Mr. RAHALL. Will the gentleman yield?  
Mr. THOMPSON of California. Yes.  
Mr. RAHALL. I am mindful and remain committed to progress in implementing and funding the December 19, 2008, Trinity River restoration record of decision. Restoring the fishery resources of the Trinity River is important for the Hoopa Valley Indian Tribe, commercial and recreational fishing families along the coasts of California and Oregon. I agree to work with thegentleman from California in that regard.  
Mr. THOMPSON of California. Thank you very much.  

Mr. RAHALL. Mr. Speaker, I am pleased to yield 5 minutes to a very valuable member of the Natural Resources Committee, the gentleman from Utah (Mr. BISHOP).  
Mr. BISHOP of Utah. Mr. Speaker, when I was teaching government, I taught my kids that a suspension was one of those noncontroversial bills for which it could be brought to the floor with little amount of debate and no opportunity for amendments.  
We have, today, a suspension that is over 177 different measures, over half of which have never been discussed in either a House or the floor committee meeting this morning. Twenty-three were never discussed in any committee hearing over in the Senate. When the true costs are extrapolated out over the time of the authorization, it will be close to $6 billion to $10 billion. And 37 times the description of provisions in this bill were called controversial, but that's okay, this is still a suspension.  
It doesn't matter that this bill has been criticized by the American Motorcyclists Association for taking millions of acres of land out of use for millions of people who want to use recreation, or been criticized by the U.S. Chamber of Commerce. Even ESPN criticized this particular bill. That's okay, though, this is still a suspension.  
We have been told that there is a $9 billion backlog in needs in the national parks. In the stimulus bill, apparently $2 billion was put in there to meet the needs of the national parks, and now we exacerbate the problem with another $6 to $10 billion in this particular bill.  
This is the visitors' center in the Dinosaur National Monument in Utah. This is a brilliant place to go. They have been able to take away part of the mountains so a kid can go in there and actually see within the mountainside the fossils that are still there and see what scientists say is the beginning and be able to put them together. Unfortunately, no one has been able to acquire this land in the last years because we don't have enough money to fix this building, which has been condemned.  
Rather than fixing these types of buildings, within the bowels of this bill is a suspension to create a new national park in Paterson, New Jersey, which will protect such natural wonders as a condominium, a butterfly garden and a microbrewery. This is a park that was not requested by the National Park Service or not recommended by the National Park Service. Nonetheless, we are putting $34 million into that while these structures that we currently have in our national park system go vacant. That's okay. That's a suspension.  
We will spend $110 million on heritage areas. Eleven lucky heritage areas will get Federal money to assist them in economic development and tourism development. If you don't have this money in one of these heritage areas, you will be losing tourists and losing economic development and having the wonderful opportunity to have your taxes pay for that approach.  
In rough economic times like we have, this is brilliant policy by us. That's okay. It's still a suspension. Falls River in Massachusetts will have the lower Taunton declared a wild and scenic river.  
The Wild and Scenic River Act was there to protect areas from development. By law or statute, you cannot have anything other than a needful building within a mile of the bank of a wild and scenic river.  
Now, the last time that we were here, I went off, probably in excess, about showing ugly pictures in Falls River, Massachusetts. I shouldn't have done it. It's actually a very pretty community. The sponsors of the bill actually came back and showed pretty pictures of Falls River, Massachusetts.  
The point is, it doesn't matter whether there are ugly pictures or pretty pictures, doesn't matter whether you think it's a cynical effort to stop production of some port or whether you think it's for economic development. Regardless of whether you take any of those stands, all of those are not the purpose of a wild and scenic river.  
This is Falls River, Massachusetts. These are not needful buildings within a half-mile of the bank. Regardless of how you look at that particular issue, it violates the spirit and the letter of the Wild and Scenic River Act. And it violates more than that, because it simply says the rule of law can be put apart to get a suspension. I yield.  
We have a problem with the great obstacles to our border control and border security. Within the bowels of this bill is another bill that will make it more difficult for border security, even on bicycles, to try and patrol Federal lands. Those are problems within this bill. We are told that it's still a suspension.  
We have about 12 Members, I counted, on the floor, engaging in this debate. Soon there will be 400 more coming through these doors without having discussed this. I have heard the debate and thinking this is nothing more than a suspension. We do need regular order.  
Now, I want it very clear not only do I not own monkeys, but Mr. RAHALL is not to blame for this. Chairman RAHALL has done a perfect job on the House. Even in the bad bills he has brought forward, he at least went through regular order. This is a product of the Senate. This is a product of the Senate. Senator NAPOLITANO should be ashamed to try and compile 177 different bills into one omnibus package. And we should be ashamed of actually debating it as a suspension.  
Mr. RAHALL, Mr. Speaker, unlike the omnibus land deals of the past by Republican Congresses that were jammed down their throats at the last minute, this bill has been around for well over a year in our committee. To have the bill described as being jammed down our throats at this point, the gentleman from Utah has been in quite a few battles with this bill, so he must know a lot about it.  
I yield 1 minute to the gentleman from California, the distinguished chairman of our Education and Labor Committee, Mr. GEORGE MILLER.  
Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for bringing this legislation to the floor. I particularly want to strongly support these items of the Reclamation Act for water recycling and reuse. The projects in this bill are very good projects that are not in my district. They are all over the State in the southwest that have been authorized, but it's most important, as we enter again the third year of this drought, with continued stress put on all of the water systems throughout the West and the Southwest, that we get into recycling and reuse, this will allow communities to take control of their water resources to be more efficient in the use of them. It allows us to develop, just in this legislation alone, that these projects go forward and there is money in the stimulus for this. There is money in the appropriations bill for this.  
We are seeing a savings of about half a million to a million acre feet of water in the West. That's real water. It's valuable water, and we have the ability to reuse it.
be remiss if I didn’t mention the fact that this bill also protects the beautiful Passaic Falls in Paterson, New Jersey.

Mr. HASTINGS of Washington. Mr. Speaker, how much time on both sides remains?

The SPEAKER pro tempore. The gentleman from Washington has 5½ minutes and the gentleman from West Virginia has 7½ minutes.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS), a new member of the committee.

Mrs. LUMMIS. Mr. Speaker, this is a very important issue to me.

I rise to oppose Senate 22, the Omnibus Public Land Management Act in the suspension, but my decision to oppose this was not an easy one, because two of the individual bills in this omnibus measure were introduced in honor of a dear friend of mine, one of the truest Western statesmen to have ever served in the United States Congress. I speak, of course, of the late Senator Craig Thomas, who was also a Member of this body, a tireless advocate and protector of those values that continue to shape Wyoming and its people.

Wyoming is a State blessed with unparalleled natural resources, from spectacular mountain ranges and wide open plains to the vast mineral deposits that lie beneath them. In Wyoming, we find balance regarding how those very resources are managed. The bill we are considering today falls in achieving that balance.

While our economy reels and the Federal deficit reaches record highs, this bill places an additional $10 billion burden on the taxpayers in Wyoming and across the Nation. These are not dollars being spent to ease economic woes or create jobs, these are dollars being spent in large part to restrict access to our public lands, to limit responsible energy production in the West and to codify the vague and ill-conceived National Land Conservation System.

Supporters of this 1,200-page massive omnibus package will tell you that most of the bills it is comprised of are largely noncontroversial. In some cases they are correct, but in many cases they are not.

Nearly 100 of the bills wrapped into this measure were never considered by the full House, let alone by those of us from West Virginia how many speakers he has.

Mr. RAHALL. If the gentleman will yield, I have four speakers, and it is my intention to conclude the debate.

Mr. HASTINGS of Washington. I will reserve.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Washington, Mr. BRIAN BAIRD.

Mr. BAIRD. Title XII of S. 22 contains four important ocean bills, including the Federal Ocean Acidification Research and Monitoring Act. For those who are unfamiliar with it, what this bill deals with is one of the grave threats of carbon buildup in the atmosphere and in the oceans.

Briefly, 25 percent of the carbon that is emitted is dissolved in the ocean. That makes the water more acidic, more acidic water creates difficulties for shellfish acquiring the minerals they need, and that applies to everything from phytoplankton to oysters, crabs, et cetera. It is a grave threat to the Nation and to the environment of the planet, and this bill is a major step forward in addressing this critical need.

I applaud this bill not only for this portion of the ocean element, but three other critical pieces of legislation to better understand our ocean, and urge its passage.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia, Mr. TOM PERRY.

Mr. PERRY. Mr. Speaker, I rise in support of the Omnibus Public Land Management Act, as amended by the gentleman from Pennsylvania.

As an Eagle Scout, the outdoor experiences I enjoyed helped shape my character and my commitment to public service. All future generations should have the same opportunity to enjoy our natural heritage had growing up in the shadow of the Blue Ridge Mountains.

As amended, this act protects our outdoors and also our freedoms. Sportsmen are among our strongest conservationists, and their ability to enjoy our natural heritage must be preserved. I am happy that language has been added to ensure that no provision will be used to limit access to public lands for hunting and fishing.

I hope this Chamber will continue to do all in its power to defend the freedom of our sportsmen and all Americans, be it their right to access public lands or their individual right to bear arms. Theodore Roosevelt once said, "The farther one gets into the wilderness, the greater is the attraction of its loneliness." The experience of the outdoors leads sportsmen, scouts, seniors, outdoor men and all Americans to understand the true meaning of freedom.

Mr. RAHALL. How much time does the gentleman from Washington have, and what are his intentions to use it?
The SPEAKER pro tempore. The gentleman from Washington has 3 1/4 minutes.

Mr. HASTINGS of Washington. And I have two speakers, including me.

Mr. RAHALL. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend how many speakers he has left?

Mr. RAHALL. Two.

Mr. HASTINGS of Washington. Including me?

Mr. RAHALL. Not including me.

Mr. HASTINGS of Washington. Why don't I reserve my time, and we'll be even.

Mr. RAHALL. All right. Then I will yield 1 minute to the gentleman from Virginia, Mr. GERALD CONNOLLY.

Mr. CONNOLLY of Virginia. I want to thank the distinguished chairman for his work on this very important bill. I also want to recognize my distinguished colleague, Mr. RICK BUCZAK of New York, for his extraordinary leadership on the Virginia Ridge and Valley Act, which is part of the Omnibus Public Land Management Act.

Virginia Ridge and Valley will permanently protect 45,000 acres of Jefferson National Forest as Wilderness, and it will also protect an additional 12,000 acres by creating two new National Scenic Areas.

These Wilderness and National Scenic Areas protect old-growth forests in the home of some of the most ecologically sensitive rivers in Virginia, the Clinch and the Holston.

I congratulate the work of the committee; the distinguished chairman; and my colleague, Mr. RICK BUCZAK, and I urge passage of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to a new member of the Natural Resources Committee, the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Thank you, Mr. Speaker. I want to inquire of my friend how many speakers he has left?

Mr. RAHALL. That is not the case. The answer is no.

Mr. HASTINGS of Washington. The gentleman won't yield. Mr. Speaker, I will try more.

May I ask the gentleman from West Virginia to yield to me for the purpose of an amendment to his motion to guarantee that S. 22 will not prohibit recreational access for all Americans to the millions of acres of Federal lands affected by this bill?

Mr. RAHALL. The question is not in order, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have left? The SPEAKER pro tempore. The gentleman has 1 1/4 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I just want to point out that this is an extraordinary process. Suspension of the rules for bills are generally noncontroversial issues. This is a $10 billion authorization bill, and it was amended. It was amended. But nobody else, including those that I referenced here earlier, had an opportunity to come to the floor and offer their amendment in their way to try to perfect this bill.

So, I am urging my colleagues to vote "no" on this bill. When it's defeated under suspension of the rules, the majority can take this back to Rules, have an open rule so we can debate for process, I think, in a very reasonable way.

Because, keep in mind, Mr. Speaker, we were told, "No amendments on this bill or the Senate will take it down to the purgatory." That didn't happen.

So, with that, Mr. Speaker, I yield back my time and urge a "no" vote.

Mr. RAHALL. How much time, Mr. Speaker?

The SPEAKER pro tempore. Two minutes.

Mr. RAHALL. Mr. Speaker, much has been said about the cost of this legislation. I think it's important to note that CBO estimates that enacting S. 22 would have no effect on revenues and no net effect on direct spending over the 2009 to 2018 period, which is the time period relevant to enforcing the pay-as-you-go rules under the current budget resolution. So, this legislation is PAYGO-compliant. PAYGO rules do apply here; something the Republicans haven't followed when they were in power.

This is an authorization process and, as most Members know, there's a difference between authorization and appropriation. If Members oppose certain projects in this bill, then the case is to take this to the Appropriations Committee, where those concerns can be properly aired.

The bill contains numerous provisions related to non-Federal matching funds in order to maximize private benefits, which are a means of Federal expenditures, an important point that has not yet been made in the pending legislation.
So, as I conclude, Mr. Speaker, let me say, as I said in the beginning, this bill is important, especially in today’s troubled economic times. We find more and more families where both breadwinners have to find jobs in order to make ends meet. That means, too, that the quantity of time spent at home is rare, and the quality of time in which families can spend together is even more rare today. Whenever there is time found together, it must be quality time, and that’s why we should be found in our National Parks and our public lands and our heritage areas and our historically preserved areas, in our open spaces.

And that’s what this legislation is about. It’s a family values issue. Providing hardworking American families today time to spend quality time and quantity time is rare; to spend quality time together in our open spaces, recognizing the vast heritage and important proud heritage of this great land that we call America. That is what this legislation is all about, and I urge my colleagues to vote ‘yes.’

Mr. STUPAK. Mr. Speaker, I am troubled by the manner in which this bill, S. 22, the Omnibus Public Lands Act, was brought to the House floor with no opportunity to amend and little input from members of this chamber.

We are all aware of the challenges in moving legislation, particularly this legislation, through the Senate. But that does not mean we should defer to the judgment of 99 Senators and let the voices of the 435 members of the House and their constituents go unheard.

There are a lot of good things in this bill. For example, I am pleased S. 22 includes stand alone legislation I have introduced, H.R. 488, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in Michigan. Another provision in the bill would support the North Country National Scenic Trail, which snakes more than a thousand miles across my state.

Despite the inclusion of these provisions, this could be a strong bill with input from the House. There is no better example of this than the one amendment that was allowed, that offered by Mr. ALTMIRE. His amendment protects access to public lands for recreational activities otherwise allowed by law or regulation, including hunting, fishing and trapping and clarifies states’ authority to manage fish and wildlife populations.

I have drafted an amendment, which due to floor time is rare; to spend quality time together in our open spaces, recognizing the vast heritage and important proud heritage of this great land that we call America. That is what this legislation is all about, and I urge my colleagues to vote ‘yes.’

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues to join me today to pass S. 22, the Omnibus Public Land Management Act. This bill is a compilation of over 160 bills intended to protect millions of acres of wilderness and miles of national wild and scenic rivers. It will also establish three new national park units, four new national trails and more.

The Lifetime Innovations of Thomas Edison Act (LITE) Act is a testament to Edison whose impact is still being felt today. Congress, in 1928, honored Edison with the Congressional Gold Medal for the “development and application of inventions that have revolutionized civilization in the last century.” In 1997, Life magazine named Edison “Man of the Millennium” in recognition of his inventions that have transformed modern society, including the incandescent light bulb, the motion picture camera, the phonograph and the incandescent light bulb. The LITE Act preserved the intellectual and physical accomplishments of Thomas Edison by commemorating his lifetime achievements; re-designating the Edison National Historic Site, located in West Orange, N.J., as the National Historic Park, and authorizing appropriations to support the site.

The Edison site is actually comprised of two separate sites—Edison’s home of 45 years (known as Glenmont) and his laboratory complex. The Edison site has over 500,000 pages of documents, over 400,000 artifacts, approximately 35,000 sound recordings, and over 10,000 books from Edison’s personal library. Like this priceless collection of documents and artifacts, Edison’s laboratory complex and home are also historical treasures. Edison, the inventor of the incandescent light bulb, his laboratory complex and home are also historical treasures.

The LITE Act is critical to efforts to protect these growing challenges.

For example, in my congressional district today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act. This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program (CELP)—that awards grants to coastal states to protect and conserve coastal and ocean resources.

As someone who represents over 200 miles of California’s coastline, I’m well aware of the pressures of urbanization and pollution along our nation’s coasts. These activities threaten to impair our watersheds, impact wildlife habitats and cause damage to the fragile coastal ecology.

Coastal land protection partnerships programs, like CELP, can help our Nation meet these growing challenges.

For example, in my congressional district I’ve worked collaboratively with environmental groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.
These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the Program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that. It expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to the ocean and coastal observing, monitoring, and forecasting system to gather real-time data on the marine environment, to refine and enhance numerical capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living along the coasts around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict, to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes; promote basic and applied science research; and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation’s existing regional observing assets, like the Southern and Central and Northern California Ocean Observing Systems, which operate off California’s coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

Section 22 also includes my City of Oxnard Water Recycling and Desalination Act. This bill authorizes a proposed regional water resources project—the Groundwater Recharge Enhancement and Treatment or GREAT Program—located in my congressional district. This legislation seeks to establish a national ground water recycling and desalination project to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users and provide added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard’s current water infrastructural delivery system delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently treated to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies in the face of limited resources. The City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.
Senate, Mike CRAPO, who fostered a collaborative process of ranchers, public officials, community leaders and conservationists to preserve our cherished Owyhees.

Many of these provisions in this bill have been waiting on Congressional action for years supported by Members from across the political spectrum. I urge you to join us today in supporting this historic legislation.

Mr. ISSA. Mr. Speaker, within the gigantic omnibus lands bill that is on the floor today are two authorizations for water projects that will greatly benefit my Congressional District and much of Southern California. I did not ask that the Santa Margarita Conjunctive Use Project and the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Recclamation Facility Projects be rolled into this 1,200, plus-page bill. Each of these projects had enough merit to pass the House on their own and could have just as easily passed the Senate. They are worthy projects that will help to address the water shortage that Southern California continues to experience.

The first authorization, for the Santa Margarita Conjunctive Use Project, directs the Bureau of Reclamation to construct a project for the benefit of the Fallbrook Public Utilities District and the United States Marine Corps base at Camp Pendleton consisting of enhanced recharge in the groundwater basins using natural and enhanced river flows. All of the project rights-of-way are already held. A feasibility study and joint EIS/EIR is under preparation by the Bureau of Reclamation.

The project sets aside and preserves valuable riparian and upland habitats of the last free flowing river in California, using a portion of the 1,300 acres originally purchased for a dam and reservoir. It would improve and partially privatize the water supply to USMC Base Camp Pendleton, which will receive better quality water in quantities sufficient to meet water needs up to its ultimate planned utilization.

This legislation also provides a final resolution to litigation that began over forty years ago. The District Court directed the Department of the Interior to provide a "physical solution" to the division of water of the Santa Margarita River as set forth in a stipulated judgment. Previous legislative efforts to authorize a two dam project on the river were not successful. The conjunctive use project utilizes advances in water treatment technology, making it possible to comply with the court’s directive at less than half the cost of the two dam project and without environmental degradation.

Finally, this project provides a safe, drought and earthquake proof water supply of as much as 18,000 acre feet of water per year, enough for 35,000 families, for Camp Pendleton and Fallbrook. The project yield will be split with 60% for Camp Pendleton and 40% for Fallbrook.

This is a good project and deserves to be authorized.

The second authorization, the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects, Amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior, in cooperation with the Elsinore Valley Municipal Water District, California, to participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamiation facilities that will be used to treat wastewater and provide recycled water and irrigation benefits.

This project is needed to provide additional water resources for agricultural and residential areas in Riverside County. In the wake of additional water limitations from the Colorado River and the Delta, this authorization creates an additional local water resource that gives the district better options.

Ms. DELAURO. Mr. Speaker, we have an obligation to our communities and to generations that follow, to preserve our nation’s scenic beauty, wildlife, and outdoor recreation. The Grand Canyon, Yellowstone, Acadia, and the Blue Ridge Mountains are just a few of our country’s natural treasures admired around the world. Yet there are many more, so critical to our natural heritage and to our basic well-being.

The Omnibus Public Land Management Act of 2009 (S–22) will save many of those other special places and sustain America’s unique greatness as a nation of unparalleled natural treasures. One of the most important achievements of this package of 160 public lands bills is Congressional designation of 86 Wild & Scenic rivers in Arizona, California, Idaho, Massachusetts, Oregon, Utah, Vermont, and Wyoming. From our own experience in Connecticut we know the special value of a Wild & Scenic river designation.

Take for example our Eightmile River Wild and Scenic River designation signed into law last May, championed by my colleague JOE COURTNEY. An unprecedented level of protection has now been provided for one of New England’s outstanding river systems, and Wild & Scenic designation was the catalyst for getting it done. In CT like New England we are many separate towns with our own identities and agendas. Getting towns to work together on regional issues is very tough. But the Wild & Scenic process brought the watershed towns together and they worked hard for several years. With the support of the designation process, they scientifically identified the river system’s outstanding resource values such as its high biodiversity, unique "Species." They built community awareness of the river’s importance and community involvement in the Wild and Scenic process. The commitment to protect the river was widespread among citizens and made official through the voting town votes for designation. Today, thousands of acres have been conserved and a long term management plan for the entire watershed developed and adopted.

Now, through its Wild and Scenic designation, the Eightmile has a federal partner and protector. It is a model of communities taking strong action together to realize a common vision. It is also a model of how small amounts of federal funding can help inspire local action and leverage substantial non-federal resources.

I am so pleased to see Congress taking action through the Omnibus Public Land Management Act of 2009 to realize our common desire to keep America the beautiful. As Wild and Scenic designation is a great asset for our state, this bill will help create many more invaluable assets for our entire country.

Mr. RAHALL. Mr. Speaker, I submit for inclusion in the RECORD the following exchange of letters between the Judiciary and Natural Resources Committees regarding a certain jurisdictional aspect of S. 22.

H ouse of Representatives,
Committee on the Judiciary,

Hon. Nick RAHALL,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

Dear Mr. Chairman:

Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S. 22, as reported out of your Committee.

I appreciate your willingness to work with me to make these refinements as soon as practicable in subsequent legislation. I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

John Conyers, Jr.,
Chairman.

H ouse of Representatives,
Committee on Natural Resources,

Hon. John Conyers,
Chairman, Committee on the Judiciary,
Rayburn BOB, Washington, DC.

Dear Mr. Chairman:

Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S. 22, as reported out of your Committee.

I appreciate your understanding of the need to consider S. 22 in the House without amendment so as to ensure its enactment in a timely manner.

I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation.

This letter, as well as your letter, will be entered into the CONGRESSIONAL RECORD during consideration of S. 22 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

Nick J. Rahall, II,
Chairman.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of S. 22, the Omnibus Public Land Management Act of 2009. Not only does this measure combine 71 bills already passed by the House of Representatives that improve forest health, facilitate better land management and protect our water, it contains a bill that is long overdue for the President’s signature—The Christopher and Dana Reeve Paralysis Act.
In the beginning of the 108th Congress, I joined a number of my colleagues in announcing the introduction of this critical piece of legislation. On that spring day in 2003, we were joined by Christopher Reeve. Each of us who had the privilege of working with Chris knew that his fight against paralysis and his desire to improve the lives of those living with disabilities was limitless. He worked tirelessly to raise awareness of spinal cord injuries and bring science closer to a cure. I would like to take this opportunity to recall what he said to us on that day six years ago:

I am honored and humbled to have my name associated with such a powerful piece of legislation. The passage of this bill will send an unprecedented message—the issues of research, rehabilitation and quality of life are paramount to improving the lives of those living with disabilities.

These words ring true today—and I know that the spirit and force behind them are more powerful than ever as we prepare to pass a bill that will truly make a difference in the advancement of stroke and paralysis research. This legislation will authorize funding for the National Institutes of Health (NIH) to expand and coordinate NIH activities on paralysis research to prevent redundancies and accelerate discovery of better treatments and cures. It will also establish a program in the Department of Health and Human Services for activities related to paralysis, including establishing registries and disseminating information.

Mr. Speaker, as a lawmaker eager to preserve our public lands, as well as find new treatments and cures for paralysis, I urge my colleagues to vote in favor of S. 22 and support its final passage.

Mr. WOLF. Mr. Speaker, I will vote today for S. 22 because I have been an advocate of initiatives that are authorized in this package that protect our nation’s historical, cultural, and scenic heritage. Several provisions in this bill will specifically help to preserve areas in my district and throughout the state of Virginia.

I have supported and voted for the Civil War Battlefield Preservation Act, which is included in this package and provides grants to assist with the purchase of important Civil War sites that have not yet been protected. This program has helped preserve many sites in my district and across the War heritage. Most recently, the purchase of the site of the Battle of Third Winchester is contingent on receiving grant funding from this program.

Other initiatives that will preserve important sites in Virginia that are included in this package are the Virginia Ridge and Valley Act, the Northern Neck National Heritage Area Study Act and the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act.

While I agree in general with the intent of programs included in this package, I also have concerns regarding some of its provisions. There is language included in the bill that would prohibit natural resource development on about 1.2 million acres in Wyoming. According to the Department of Land Management, this provision would permanently take 8.8 trillion cubic feet of natural gas and 300 million barrels of oil out of production. I believe that it is irresponsible to put restrictions on domestic energy production. Environmentally friendly domestic energy production should be considered as part of a comprehensive energy plan to help stabilize the cost of gasoline and reduce U.S. dependence on foreign oil.

I also maintain that long-term, permanent energy policy must be developed through clean, alternative and renewable energy resources to fuel our cars and light our homes and businesses. Solar power, wind power, clean coal technology, nuclear power, the hydrogen economy, new energy transmission technology, hybrid vehicle development, biofuels—every option must be on the table for investment and development to secure our nation’s energy needs for the 21st century. But we cannot close the door to domestic energy production.

Mr. BRADY of Pennsylvania. Mr. Speaker, as chairman of the Committee on House Administration, I urge passage of S. 22, which contains three important projects to advance the mission of the Smithsonian Institution.

This legislation would authorize the design and construction of laboratory and support space for the Mathias Laboratory at the Smithsonian Environmental Research Center (SERC) in Edgewater, Maryland; authorize construction of laboratory space to accommodate the terrestrial research program at the Smithsonian Tropical Research Institute (STRI) in Gamboa, Panama; and authorize construction of a greenhouse facility at its museum support facility in Suiutland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian. The diverse nature of these projects is a good example of the unique role that the Smithsonian plays in advancing our knowledge of the natural world.

The Committee on House Administration and the Committee on Transportation and Infrastructure reported legislation last year authorizing Smithsonian projects which subsequently passed the House without controversy. This omnibus legislation, S. 22, is the clearest and quickest way to ensure enactment of these important initiatives.

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

The SPEAKER pro tempore. The gentleman from Tennessee?

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 224, the resolution now before the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?
Mr. Davis of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 224, supporting the designation of Pi Day. As you all know, March 14. The Greek letter pi—the symbol for the ratio of the circumference of a circle to its diameter—is rounded to 3.14.

I’d like to take this opportunity to encourage our Nation’s students of all ages, schools, and teachers, to observe Pi Day with fun math and science activities and events.

This is a lighthearted event with serious goals. Math and science underpin our Nation’s economic competitiveness and national security. By engaging in fun math and science activities from a young age, we are setting our students on a path towards science and math literacy, and opening the door to rewards and promising careers.

Research has shown that most students who are not comfortable with math and science by junior high remain intimidated or uninterested throughout their education careers.

On Pi Day, we want students to have fun with math and science. Second-graders could estimate the area of a pizza pie at a Pi Day pizza party. Sixth graders could learn about Newton’s Laws of Motion from a game of bocce ball. Tenth-graders could learn about the hyperbolic functions by shooting Nerf darts. I leave the specifics to the schools, but my advice is to go and have some fun. Let the students see firsthand how math and science is fun and relevant. Let them see that it does apply to us.

I have been trying to create jobs immediately, which we need to do, absolutely; but we also need to look down the road. If we do not take action to strengthen our Nation’s economic competitiveness now, including improving our math and science education, we could create jobs now, only to lose them in the future to foreign competition.

We need to make sure that our children are prepared, and a strong foundation in math and science education is an essential part of that preparation. One of the best ways we can prepare our students is by encouraging their interest in math and science. So I am asking our Nation’s students and teachers, for all of our sake, to go out and have fun around Pi Day. I reserve the balance of my time.

Mr. Speaker, I rise today in support of House Resolution 224. Improving math and science curriculum in our schools is great and admirable, as well as an absolute necessity, for our undertaking as Nation, and it is one that is long overdue. While our students have been making improvements since the 1995 TIMSS, but they still are not achieving their potential. It doesn’t matter to them as individuals but, boy, does it matter to our Nation as a whole.

The 2005 National Academies Report, “Rising Above the Gathering Storm,” looked at our economic competitiveness and showed us a blank and bleak future—a stagnating U.S. economy, an ill-equipped educational system, and the U.S. losing its place as a scientific world leader.

The recommendations contained in the “Rising Above the Gathering Storm” report were meant to pull us off the path we were on. They were signed into law in 2007 as part of the America COMPETES Act, and fell basically into three categories: investments in basic research; innovation as the path toward reducing our dependence on foreign oil; and improving science, technology, engineering, and math education.

Our students’ education, especially in science and math, will be a key component of our national economic competitiveness. We need to ensure not only that the Nation produces the top scientists, mathematicians, and engineers, but that every student is prepared for the high-paying technical jobs of the 21st century. We need the engineers that will invent the next new things; we need the manufacturers to design it, and an educated workforce to produce it. We cannot afford to not want to compete globally on wages alone. We need to operate at a much higher level in this country.

Given the current economic crisis, our economic competitiveness is more important than ever before. We have been trying to create jobs immediately, which we need to do, absolutely; but we also need to look down the road. If we do not take action to strengthen our Nation’s economic competitiveness now, including improving our math and science education, we could create jobs now, only to lose them in the future to foreign competition.

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Mr. Broun of Georgia. Mr. Speaker, I yield myself such time as I may consume.

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Given the current economic crisis, our economic competitiveness is more important than ever before. We have been trying to create jobs immediately, which we need to do, absolutely; but we also need to look down the road. If we do not take action to strengthen our Nation’s economic competitiveness now, including improving our math and science education, we could create jobs now, only to lose them in the future to foreign competition.

We need to make sure that our children are prepared, and a strong foundation in math and science education is an essential part of that preparation. One of the best ways we can prepare our students is by encouraging their interest in math and science. So I am asking our Nation’s students and teachers, for all of our sake, to go out and have fun around Pi Day. I reserve the balance of my time.
Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Obviously, the gentleman from Georgia is a good friend and a neighbor. Each of us recognizes the need to train the young leaders who will be the entrepreneurs, the inventors, those who will be bringing to the table new inventions that will help America’s economy not only be competitive, but America’s economy be the one that achieves and perhaps even brings this world out of what we see today as an economic recession.

Years ago, in the 1970s, we established legislation on the national level that brought to rural areas in my congressional district and the gentleman from Georgia’s congressional district special educational, where we literally focused on young minds that were maybe not as capable of reaching the higher achievements, or they may not ever reach college. But some of the instructions we gave them, some of the special attention we gave through special education has actually presented some of those individuals the opportunity where some have attended college. But it has also given them an opportunity to be competitive in our economy and to be a part of our society. We must do the same thing for the best and brightest as well. It is my hope that, as we engage in K-12, that we continue to focus on science, math, and technology, and to challenge the bright young minds that we have not been challenging in the past.

We have been fortunate in this country through our higher educational system, which is, in my opinion and as scored by many throughout the world, the best higher educational system in the world. It is a merit-based system. In many of the countries throughout the world, their K-12 is also merit-based, and we have been getting some of those best and brightest from some of those other educational systems to come to our colleges and retain them here in our economy, and they have been a part of America’s economic growth.

We are losing those students today. We cannot depend on other countries’ best and brightest. We have got to get sure that we train our best and brightest. And by challenging our teachers, our school systems, and youngsters to become involved in this fun day could maybe encourage them to realize they maybe become involved in this fun day could become part of America’s economic system, and our school systems, and younger to become involved in this fun day could maybe encourage them to realize they can be competitive and become the entrepreneurs and inventors of the future for America.

It is my privilege to manage the bill today, and certainly to manage it with my good friend from Georgia (Mr. BROUN).

I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

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

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING SUCCESS OF MARS EXPLORATION ROVERS

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 67) 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.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 67

Whereas the Mars Exploration Rovers Spirit and Opportunity successfully landed on Mars on January 3, 2004, and January 24, 2004, respectively, on missions to search for evidence indicating that Mars once held conditions hospitable to life;

Whereas NASA’s Jet Propulsion Laboratory (JPL), managed by the California Institute of Technology (Caltech), designed and built the Rovers, Spirit and Opportunity;

Whereas Cornell University led the development of advanced scientific instruments carried by the 2 Rovers, and continues to play a leading role in the operation of the 2 Rovers and the processing and analysis of the images and other data sent back to Earth;

Whereas the Rovers relayed over a quarter million images taken from the surface of Mars;

Whereas studies conducted by the Rovers have indicated that early Mars was characterized by impacts, explosive volcanoes, and subsurface water;

Whereas each Rover has discovered geological evidence of ancient Martian environments where habitable conditions may have existed;

Whereas the Rovers have explored over 21 kilometers of the rugged Martian hills, descended deep into large craters, survived dust storms, and endured 3 cold, dark Martian winters; and

Whereas Spirit and Opportunity will have passed 5 years of successful operation on the surface of Mars on January 3, 2009, and January 24, 2009, respectively, far exceeding the original 90-Marsian-day mission requirement by a factor of 20, and are continuing their missions of surface exploration and scientific discovery; Now therefore be it

Resolved, That the House of Representatives—

(1) commends the engineers, scientists, and technicians of the Jet Propulsion Laboratory and Cornell University for their successful execution and continued operation of the Mars Exploration Rovers, Spirit and Opportunity; and

(2) recognizes the success and significant scientific contributions of NASA’s Mars Exploration Rovers.

The question was taken.
Spirit and Opportunity, were originally intended to perform a 90-day mission on the hostile surface of Mars. Spirit was the first rover to land on the Mars surface on January 3, 2004. Spirit was the first rover to land on the Red planet. Spirit and Opportunity, were originally intended to perform a 90-day mission to evaluate whether hospitable conditions may have existed. While on Mars, these rovers have explored over 21 kilometers of Martian terrain, survived dust storms, mechanical difficulties, and endured three cold, dark Martian winters. The advanced scientific instruments deployed in conjunction with Cornell University have produced quarter million images, including evidence of explosive volcanoes and subsurface water. At a time when Americans could use some good news, it is fortunate that we can recognize and commend the men and women of NASA, JPL, and the National Aeronautics and Space Administration, the Jet Propulsion Laboratory and Cornell University for their outstanding success in designing, developing, launching, and operating the Mars Exploration Rovers.

Mr. Speaker, I urge my colleagues to support this resolution. I reserve the balance of my time. Mr. DAVIS of Tennessee. Mr. Speaker, I yield as much time as he may concede to the gentleman from California.

Mr. SCHIFF. I thank the gentleman for yielding. Mr. Speaker, colleagues, 5 years ago in January, 2004, I had the privilege of being in the control room at the Jet Propulsion Laboratory when Spirit, the first of two identical Mars rovers, landed in Gusev Crater. It was an amazing experience to watch the dozens of engineers, controllers and scientists work so hard and for so long on the rover project to see its initial success. I’m proud to have many of them as my constituents, and I’m honored to share JPL with my colleague, DAVID DREIER, and have joined him in this resolution honoring 5 years of surface operations by Spirit and its twin, Opportunity.

Spirit and Opportunity landed on Mars to begin what was planned as a 3-month mission to evaluate whether conditions would have at one time been suitable for life on the red planet. Under the leadership of Dr. Charles Elachi and Principal Investigator Steve Squyres of Cornell University, JPL employees worked around the clock to make the most of what was planned as a limited duration mission.

Equipped with cameras, spectrometers and grinders, America’s robotic explorers have now been hard at work for over 5 years and are still going strong. The rovers’ incredible durability is a testament to the quality of their design, the care with which their operations are managed and a scientific bonanza for scientists here and around the world.

The rovers’ discovery of evidence of past water on Mars was 2004’s top scientific “Breakthrough of the Year” according to the journal Science. The rovers have also uncovered evidence of Mars’ violent volcanic past and have transmitted more than 36 gigabytes of data back to Earth.

Despite a gimpy wheel, Spirit has spent most of the past year exploring an area dubbed Home Plate, which is rich in silica, another telltale sign of water. Despite some shoulder troubles, but has covered a lot of ground in the last 5 years. The rover spent almost 2 years exploring Victoria Crater and has now begun a long drive to its next major destination, a much larger crater called Endeavour. More than 14 miles in diameter, Endeavour is more than 20 times larger than Victoria.

People around the world have been captivated by the stunning photos of the Martian surface and the planet’s ruddy sky. In the first 2 months after Spirit and Opportunity landed on Mars, JPL’s rover Web site registered almost 9 billion hits. Since then we have watched the seasons change on Mars and have marveled at the changing terrain as the rovers have moved about the surface.

NASA’s Jet Propulsion Laboratory, managed by the California Institute of Technology, designed, built and controls the rovers. JPL has been the pioneer of our exploration of the solar system from the beginning of our space program and is one of the crown jewels of American science. Explorer I, America’s first satellite, was a JPL project. At the time it was launched, the United States had fallen behind the Soviets in the space race, and several other attempts of getting an “American Sputnik” into orbit had ended in fiery explosions on the launch pad. Not only did Explorer I salvage our pride, but it also discovered the Van Allen radiation belts that circle the Earth.

Since then, JPL probes have explored most of our solar system—from the Ranger series that paved the way for the Apollo moon landings, to Voyager’s grand tour of the outer planets in the 1970s and 1980s, to last spring’s landing on Mars by the Mars Phoenix—and have also surveyed the cosmos as well as our own planet.

In 2 years, NASA will launch an even larger rover, the Mars Science Laboratory, which will build on the work being done today by Spirit and Opportunity. With a little luck, the rovers will still be working—still expanding our understanding of Mars and, more importantly, of ourselves. I urge all my colleagues to support the resolution.

Mr. DREIER of Georgia. Mr. Speaker, I would like to yield to my good friend whom I respect tremendously, Mr. DREIER from California, as much time as he may consume.

Mr. DREIER. Mr. Speaker, let me say how much I appreciate the hard work and the very thoughtful remarks by my very good friend, Mr. BROUN, Mr. DAVIS and Mr. SCHIFF have all outlined some of the very great challenges that have been faced with this amazing Spirit and Opportunity program. I, like my friend, Mr. SCHIFF, was 5 years ago there when this program began. And I will never forget when Dr. Charles Elachi, the director of the Jet Propulsion Laboratory about whom Mr. SCHIFF was just speaking, leaned to me and said, “David, you know, I know this is scheduled to have a life span of 90 days, 3 months.” He said, “I suspect that it might just go a little longer than that.” And here we are today marking the fifth anniversary of Spirit and Opportunity, named by two young students who came together. They had a contest to name them and these very bright and thoughtful kids came forward and said they wanted to name them Spirit and Opportunity. And they have been through 5 years, as Mr. BROUN said so well, wind storms and all kinds of cold and great adversity, and yet they are still chugging along providing very important information back to us. Mr. SCHIFF talked about the days ahead, and now Opportunity is headed to that new massive crater Endeavour. And so we are going to continue to get more and more interesting information. These three gentlemen, Mr. Speaker, have just talked about what Spirit and Opportunity have gone through.

I would like to take a moment to look at the context around which this whole issue is being considered, and that is the devastating economic times that we are facing right here in the United States of America. Obviously, first and foremost on our minds is getting our economy back on track, ensuring that people who are suffering greatly from foreclosures, foreclosures, and even worse in some instances, are able to have those needs addressed. And many of us have been working to try and put into place a strong, bold, dynamic and robust economic growth and put into place a strong, bold, dynamic and robust economic growth and put into place a strong, bold, dynamic and robust economic growth. And so we are continuing to work for those kinds of growth policies.

Now the reason I say that, Mr. Speaker, is that there are so many who...
would argue that, as we look at sort of the amorphous space program out there, why in the world are we investing resources on that when we have so many pressing challenges right here at home? And there are a couple of points that I think need to be made. First, when we were celebrating the landing of another great JPL program, the Phoenix, one of the great scientists got up and talked about the fact that throughout world history, every single development, in fact, regardless of what challenges they faced, always looked at the imponderable. They have always made risk to pursue the unknown. And I’m reminded, of course, that it was the great Queen Isabella who sold her jewels so that Christopher Columbus might have the opportunity to discover America. And so risk-taking is something even during adverse times we need to continue to pursue. And we can’t ignore that, because we are the United States of America, the greatest country the world has ever known. And that is why this is very important.

Second, we need to also realize, Mr. Speaker, that there are very important gains that we as a society and as a world have learned from this very important work, whether it is in medical imaging, and I know Dr. Broun understands that, whether it is in dealing with environmental protection, whether it is dealing with cellular technology or global positioning systems, whether it is dealing with cellular telecommunications, supercomputing or environmental protection. In addition, the economic solutions for America, common sense solutions for America, can come and find some commonsense economic solutions for America, commonsense solutions that will stimulate the real economic engine of America, and that is small business.

Small businesses create most of the jobs in America today. We have proposals brought forth to this floor in bill after bill that markedly increase the size of the Federal Government. This is what I call the steamroll of socialism being shoved down the throats of the American people.

We have to find solutions to this economic problem we have in America. And building a bigger government, building a more socialistic government is not going to create jobs. It is not going to bring about the things that we need to get us out of this economic downturn.

I hope that as we work together on this bill and as we did with the previous bill, that we can work together, Democrats and Republicans alike, can come and find some commonsense economic solutions for America, commonsense solutions that will stimulate the real economic engine of America, and that is small business.

Mr. Speaker, I am proud to rise in support of this resolution which I authored with my California colleague, Mr. Schiff, to recognize the five-year anniversary of the landing of the Mars Exploration Rovers, Spirit and Opportunity. I also commend the individuals that contributed so much to the success of the mission. In particular, the great minds at the La Canada Flintridge-based Jet Propulsion Laboratory (JPL), who designed and built the rovers, and whom I have the distinct honor to represent. JPL is managed by the California Institute of Technology (Caltech), and very ably led by its Director, Dr.居巢.

Mr. Speaker, I am proud to rise in support of this resolution which I authored with my California colleague, Mr. Schiff, to recognize the five-year anniversary of the landing of the Mars Exploration Rovers, Spirit and Opportunity. I also commend the individuals that contributed so much to the success of the mission. In particular, the great minds at the La Canada Flintridge-based Jet Propulsion Laboratory (JPL), who designed and built the rovers, and whom I have the distinct honor to represent. JPL is managed by the California Institute of Technology (Caltech), and very ably led by its Director, Dr.居巢.

Mr. Speaker, you may recall, during the summer of 2003, NASA launched its Mars Exploration Rovers from Cape Canaveral Air Force Station in Florida. The rovers were an exciting addition to NASA’s Mars Exploration Program, and their mission was to explore the surface of Mars for three months in search of clues to give scientists a peek into the planet’s past. Specifically, the rovers were to determine whether Mars had ever contained environments with quantities of water sufficient to support life.

After traveling more than a quarter million miles, Spirit and Opportunity successfully landed on Mars’s surface on January 3, 2004 and January 25, 2004, respectively. During their primary three-month mission time frame, the rovers successfully uncovered geological evidence indicating that a body of water once flowed through certain regions, and that early Mars was characterized by impacts from meteoroids, explosive volcanoes and subsurface water.

In an amazing display of endurance, Spirit and Opportunity managed to maintain their operational status far beyond the three months that were expected, and continue to operate to this day, five years later. The rovers explored more than 21 kilometers of Mars’s terrain, climbed hills, descended deep into large craters, survived dust storms and endured three brutal Martian winters. Their amazing missions continue to yield valuable information about the history of Mars and are symbolic of America’s pioneering spirit.

Mr. Speaker, while oftentimes the parts that are developed for our space missions are sent off never to be seen again, it is important to realize that the technology stays here at home where it continues to make important contributions to our lives. For example, NASA-sponsored work at facilities like JPL has resulted in the development of critical technologies that have been commercially applied in fields as far ranging as medical imaging, transportation, cellular telecommunications, supercomputing and environmental protection. In addition, the benefits of these projects inspire our youth to pursue education in the STEM fields—science, technology, engineering and mathematics. And they provide well-paid, highly technical jobs for innovators and entrepreneurs throughout our country. In fact, the success of the Mars rovers is due to the contributions of many, including workers from all across the country—from Composite Optics in San Diego, California to BAE Systems in Manassas, Virginia.

The footprints of NASA’s many successes have been made in America as well as on the planet Mars and beyond. But its most important impact is here at home. The work being done at JPL and other facilities is spurring the innovations that create jobs and make our lives better. And it is inspiring new generations of innovators who will pursue the careers that will continue to keep the United States at the forefront of technological advancement.

Mr. Speaker, I commend the men and women whose tireless work has made the Mars rovers’ expeditions such a tremendous success, and I urge my colleagues to vote in support of this resolution.

Mr. DAVIS of Tennessee. I yield myself as much time as I may consume.

As heard earlier on this floor, we talked about other nations throughout the world who aim to achieve high academic standards than we are here in this country. But as we start observing many of these countries, none of those are putting in play and putting into reality the science that we are doing in this country.

The rovers, Spirit and Opportunity, that landed on Mars were an American project, not one of the other nations that we talked about. So as we discuss from time to time areas where we must recognize we may have failures, but our educational system is also providing, and has provided, bright young minds with the challenges that has brought forward the research, the development, the space exploration that is going on today in this country.

I reserve the balance of my time.

Mr. Broun of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Tennessee and my colleague from California. We are, as Republicans and Democrats, coming and talking about something that is extremely important, and that is science exploration of Mars and what Spirit and Opportunity have done there. We talked on the previous bill about math and science and how important it is that we go forward with these types of projects. And it absolutely is critical for the future of our Nation that we do so.

The other things that are critical for our Nation that we need to explore is how to stimulate our economy. And the best way to stimulate our economy is by stimulating small business. Small business is hurting today. It is hurting terribly. The American middle class and the workers of America are hurting terribly.

We have proposals brought forth to this floor in bill after bill that markedly increase the size of the Federal Government. This is what I call the steamroll of socialism being shoved down the throats of the American people.

We have to find solutions to this economic problem we have in America. And building a bigger government, building a more socialistic government is not going to create jobs. It is not going to bring about the things that we need to get us out of this economic downturn.

I hope that as we work together on this bill and as we did with the previous bill, that we can work together, Democrats and Republicans alike, can come and find some commonsense economic solutions for America, commonsense solutions that will stimulate the real economic engine of America, and that is small business.

Small businesses create most of the jobs in America today. We have proposals that are going to take away jobs from small business because it is going to put a heavier regulatory burden on that small business. It is going to put a heavier tax burden on small businesses. We have seen proposals in the budget that will increase taxes on what is described as the wealthiest in America.

But most of those tax increases will affect small businesses, and it is going to rob jobs, rob jobs that are critical for the economic well-being of America.

Small business is the economic engine that pulls along the train of economic prosperity in America, and we
Let’s work together to find policies that are absolutely critical to what this country needs. They are going to rob the American people of the jobs that we need.

Government does not make one single nickel, does not take away from the private sector. We have policies that are taking away from the private sector and increasing a bigger and bigger government to tell us how to live our lives. It is robbing the private sector of necessary funds that are absolutely critical to get us out of this economic downturn.

We cannot continue down this road toward a socialistic society with socialized medicine that is going to destroy the quality of health care. It is going to be extremely costly. It has been said very often around here that if you think health care is expensive today, wait until it is free. It is going to destroy the innovation that is absolutely critical.

So I call upon NASA, the Jet Propulsion Laboratory and Cornell University on this outstanding scientific accomplishment that they brought forward with Spirit and Opportunity that are going to bring us out of this economic downturn.

What I see over and over again are policies that are being suggested that are going to take business away from the private sector, and it is a crossroads that will absolutely adverse to what this country except perhaps the 8 years of Lyndon Johnson. And all that spending was directed toward some of the same exact spending that is occurring today under this new administration and under this new majority in Congress.

Yet I hear described under the old administration good government, with the exact same expenditures, becoming socialism. I suggest that we all become bipartisan and start reading from the same dictionary.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 67.

The question was taken.

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

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows: [Roll No. 116]
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. Rahall) that the House suspend the rules and pass the Senate bill, S. 22, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. Rahall) that the House suspend the rules and pass the Senate bill, S. 22, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 282, nays 10, not voting 6, as follows:

[TABLE]

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[TABLE]
Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 64) urging the President to designate 2009 as the "Year of the Military Family". The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 64

Whereas there are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;

Whereas slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;

Whereas there are nearly 1.2 million children between the ages of birth and 23 years who are dependents of regular component members, and there are over 73,000 children between such ages who are dependents of reserve component members;

Whereas the largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist of children between the ages of 6 and 14 years;

Whereas the needs, resources, and challenges confronting a military family, particularly when a member of the family has been deployed, vastly differ between younger age children and children who are older;

Whereas the United States recognizes that military families are also serving our country, and the United States must ensure that all the needs of military dependent children are being met, for children of members of both the regular and reserve components;

Whereas military families often face unique challenges and difficulties that are inherent to military life, including long separations from loved ones, the repetitive demands of frequent deployments, and frequent uprooting of community ties resulting from moves to bases across the country and overseas;

Whereas thousands of military family members have taken on volunteer responsibilities in support of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;

Whereas military families provide members of the Armed Forces with leadership, resourcefulness, and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;

Whereas some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States; and

Whereas 2009 would be an appropriate year to designate as the "Year of the Military Family": Now, therefore, be it

(A) to designate a "Year of the Military Family"; and

(B) to encourage the people of the United States and the Department of Defense to observe the "Year of the Military Family" with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend the time allotted to Members who have spoken.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 64, which I introduced, along with my ranking member, John M. Kennedy, and the majority of my colleagues on the Armed Services Committee.

House Concurrent Resolution 64 calls for the President to designate 2009 as the "Year of the Military Family." For over 7 years, our Nation has been in sustained conflict. Our servicemembers are facing multiple deployments, and they are not the only ones who are shouldering the burden of the war. Nearly 2 million of our military families have also shared in that burden.
While I am proud of Americans across this great Nation who have volunteered or contributed funds and supplies to support our deployed and injured troops, those who have been on the forefront of those efforts are the military families. For the last several years, military families have faced months of separation, some as long as 18 to 20 months. With over 1 million children between the ages of birth and 23 years of age who have parents in uniform, there have been many missed birthdays, graduations, holidays, and a child’s first words and other major life accomplishments that are all too common as troops continue to experience back-to-back deployments.

Military families endure such hardship and sacrifices so their servicemember can proudly continue to serve the Nation. Military families often provide moral support, as well as comfort, to each other, especially during these difficult times. However, many families, especially those in the Reserves and Guard, do not have that luxury. Often these families must face these hardships alone, far from support programs and far from facilities that are located on military bases.

The President and Mrs. Obama have stated that military families will be a top priority for this administration. I applaud the President and Mrs. Obama for their commitment to their military families.

Mr. Speaker, I urge the President to continue this commitment and recognize the sacrifices of military family members who have given support to their servicemember and this nation, and declare this to be the “Year of the Military Family.”

I urge my colleagues to join me in support of this important resolution. I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise also in support of House Concurrent Resolution 64, which urges the President to designate 2009 as the “Year of the Military Family,” and I thank the chairman of the Armed Services Committee, Representative SKELTON, for offering it.

Mr. Speaker, I am honored to pay tribute today to the force behind the force—the military family. It has long been known that the military services recruit individuals but retain families. This has never been more true or more critical than it is today. The support our troops receive from their loving fathers, mothers, sisters, brothers, spouses and children—is intangible, and it is nothing less than a powerful force multiplier.

Dedicating a year to honor the service and sacrifice of our military families is to recognize the importance of saying thank you and to call attention to this sometimes forgotten resource. Today, Mr. Speaker, millions of Americans have one or more family members serving in the Armed Forces. These incredible families are willing to lead normal lives while their loved ones stand in harm’s way, fulfilling our Nation’s oath to serve and protect.

But they do not just wait. They also serve. Military spouses spend countless hours volunteering in family readiness programs and wounded warrior networks, all while managing to be two parents at once. Military children, numbering almost 2 million in our Armed Forces, live with their other children while trying their hardest not to let sadness and worry overcome them.

Mr. Speaker, the strength of the military family is astonishing. As we celebrate military families, let us not forget the sacrifice of parents. Military parents give their sons and daughters to the Nation and pray ceaselessly for their safe return. They look forward to every letter and every phone call, while fearing the ringing of the phone and the doorbell at the same time.

Military children, Mr. Speaker, are a very different breed of young adult. They do not always have hometowns, but they do have a heightened sense of family, both in the traditional sense and in the special characteristics of the military community. Their home is where the military chooses to send them, and their family becomes all who surround them.

They do not hesitate to support their families when the family far apart. Another mother walks out of the door for 6 months 8 months, or even more often, a year. In most cases they are Mom or Dad’s biggest fans. Many times the oldest child takes over as second in charge while serving as a rock for the youngest.

Even at a young age, military children know what the words “ultimate sacrifice” means, and these words are in the back of their minds every day that goes by. Military families have an uncanny resilience. They are some of the strongest citizens in this country, and I am privileged to recognize them not only today, but every day.

I have many such dedicated families in my strongly military district, the Fifth District of Colorado.

Mr. BECERRA. I thank the chairman for yielding and, more importantly, I thank him for this resolution, which tries to not only recognize the men and women who wear the uniform, but certainly the men and women and children and parents of our soldiers in uniform who day to day have to go through the same experiences that our troops abroad and in our military stations throughout must go through as well.

There are some 3 million Americans today who represent the family members of our brave soldiers. I am pleased to say that I count myself among those family members. And I believe it is something that not only should be done in 2009 to urge the President to designate this year as the Year of the Military Family but, quite honestly, this is something we should do every year.

I think it is of the utmost importance. And we applaud the First Lady of the United States, Michelle Obama, for the role that she has decided to play in elevating the stature of our families who are stationed throughout the world and have a family member serving today on behalf of this country.

It is something that I think sometimes we take for granted. But this is an occasion today where, on the floor of the most democratic body in the history of this world, we can say to all those who serve in uniform, not just from our country, but throughout, that we do think about you, we do respect what you do and, more importantly, we frequently make the decision that you have family that day to day must go through the same experiences you do.

So, Mr. Chairman, I think it is something we should do, as I said, all the time. I think every Member in this chamber should have had the time to think about our servicemembers and their families every day. And it doesn’t hurt to periodically do it in a more official way by actually having a resolution which urges the President to declare this year the Year of the Military Family.

With that, I thank you very much for not just your service, but your insight and your wisdom in trying to always make sure that we elevate our men and women in uniform and their families to the highest levels we can.

Mr. LAMBORN. Mr. Speaker, I yield 4 minutes to a new member of the Armed Services Committee, but she’s already starting to make a strong contribution, the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. I am here today to support this resolution also, and to support the naming of 2009 as the Year of the Military Family. For years now, we have been sending our sons and our daughters overseas to fight terror and also fight for our freedom. Our military men and women have sacrificed, missing birthdays, anniversaries, holidays, and endured many hardships, and we are honored on this floor in this Chamber to frequently pay tribute to those men and women.

Too often, however, we forget the families, the loved ones behind our military men and women—our mothers, our fathers, our children, our siblings, spouses and children. Their sacrifice is also worthy of our greatest respect. These are the unsung heroes of the War on Terror, the loved ones who watch our troops go into battle, and are ready to greet them when the first one of us has to leave.

We now have 1.8 million family members of active duty military personnel, and just over 1 million family members...
of reservists. Of every two soldiers who are deployed, one leaves behind a wife or a husband who will wait for months, and sometimes even years, before they see their spouse again.

Nearly 2 million children have fathers or mothers who are in the military, and these children, undoubtedly, feel great pride in having a mother or father serve their country, but they also feel a great burden of growing up with one parent who often is far from home and missing those important times.

Without the support and sacrifice of these brave men, women, and their children, our Armed Services could not function, so much so that it is just safe to say thank you to our military families for their service and for protecting our country and for making the tremendous sacrifices with their families.

So, Mr. Speaker, for all these reasons, I would like to join my colleagues in also congratulating the 2009 members of the military families, and say that this is your year. 2009 is the Year of the Military Family. So let us join in and respect those families and honor them today in this Chamber.

Mr. SKELTEN. I yield such time as he may consume to a cosponsor of this legislation, the gentleman from Virginia (Mr. MORAN.)

Mr. MORAN of Virginia. I am honored to have a moment to speak on this resolution, and deeply grateful to Chairman SKELTEN for introducing it and advancing it.

You know, they say that an army travels on its stomach. In other words, the physical well-being of an army has to be taken into consideration. They have to be well fed, they have to be cared for.

The way you win wars though, comes from the heart and mind of our soldiers, sailors, and airmen. And the way that you motivate them is to assure them that they are loved. It's the family that has to deal with sometimes uncontrollable violent urges, where the veteran of combat finds it difficult to control themselves, to make that transition to the society in which they need to take on the role of husband, wife, or parent.

All of these challenges are even greater than the family has ever been before. And that is why this Congress, this Nation, needs to take every opportunity to focus on the needs of these families who show real patriotism and real loyalty to the principles and ideals that they have every reason to wish to sacrifice whatever it takes to uphold those principles, ideals, and values, even the risk of loss of a loved one.

So, with that, Mr. Chairman, again, I thank you for introducing, for protecting, for advancing this resolution, and most importantly, I thank you for being conscious of what this resolution is all about every single day throughout the year in the legislation that the Armed Services Committee and your colleagues in the Congress pass. It has to be a priority.

So, I know this will pass unanimously, and I appreciate the fact that it's offered on the floor today.

Mr. LAMBORN. At this point, I yield 4 minutes to Mr. GINGREY.

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

I rise today in support of H. Con. Res. 64, urging the President to designate 2009 as the Year of the Military Family. It's going to be difficult to follow the gentleman from Georgia (Mr. GINGREY). But I will humbly try to do so.

Certainly, I would like to say a special thanks to Chairman SKELTEN, Ranking Member JOHN McCONNELL, as well as to the members and the staff of the House Armed Services Committee, for the tireless effort in support of our soldiers, sailors, airmen, and marines who are bravely defending us at home and abroad.

Mr. Speaker, today we rightfully take time to recognize the families of those brave men and women who have dedicated their lives to the service of our Nation. I stand here and I am thinking about so many families—moms and dads, brothers and sisters—of fallen soldiers in my State of Georgia, and of my district, the 11th Congressional District. I am not trying to mention all of them, but they are definitely in my mind and in my heart.

For it is not just the members of the military who serve our country, but also their family members, who sacrifice so much in support of these heroes who, day in and day out, protect our freedom.

Mr. Speaker, the families of those who serve our country on the front lines deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to faraway lands in support of a cause and an ideal so much greater than any one individual.

Indeed, the democracy on display here today with our presence in this Chamber is testament to the courage and valor of our Armed Forces. The support given to our servicemen and women by their loved ones is irreplaceable, as it's a foundation for the bravery inherent in those who labor steadfastly for the defense of liberty.

Any of us who have watched videos and movies about the Civil War and read some of those letters to home that the infantrymen would write, maybe right before a battle and they give their lives to their country, it is indeed moving. So, let us now honor and say a gracious thank you to each and every military family, every member of those families, for the encouragement, love, and kindness they exhibit in supporting their precious loved ones as they serve a Nation that will forever be free because of their sacrifice. It is to the family members that we now say thank you.

Mr. Speaker, we are proud of all of our servicemen and women and are eternally grateful for their efforts in the Global War on Terror. Let us not forget the ones who have provided the closest circle of support for them wherever they may serve around the globe. I urge all my colleagues, of course, to support this.

Mr. SKELTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me time to join the others in making a particular statement on behalf of the sacrifice of military families.

We pay great attention, and should, to the sacrifices of our young service-men and servicewomen who risk their lives in service of their country. We sometimes don't pay as much attention to the people who make a tremendous sacrifice by virtue of seeing their loved ones, their spouses, their parents, their children in many cases, going off to
military service, particularly in the context of recent times, dealing with the repeated deployments, the disruptions, the movement, the constant concern about the welfare of the loved one. And it is quite appropriate and long overdue that we actually designate this year, 2009, as the year of the military families. I strongly support this resolution.

Mr. LAMBORN. Mr. Speaker, I thank the chairman for offering this resolution.

I yield back the balance of my time.

Mr. SKELTON. Most of us Members of Congress have had the opportunity to witness military units as they are ready to deploy. We have also seen military units as they have returned, or individual members of our service returning, and watch their families greet them with happiness and with tears. It is difficult to put ourselves in their places, but the best we can do is to show our appreciation, and that our thoughts and our prayers are with them as well as their loved ones who are serving. Mr. Speaker, I urge all of my colleagues to support this resolution.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of urging the President to designate 2009 as the “Year of the Military Family.”

Our military’s ability to perform its mission abroad is directly related to the strength of our families at home. Without families willing to sign up for military life alongside their soldier, sailor, airman or marine, we would not have the tremendous all-volunteer force we have today.

Our military has been at war for nearly eight years against persistent and determined enemies thousands of miles away. And in many ways, so have our military families.

With loved ones deployed to theatres of combat, our families have lived with the enormous uncertainty brought by every ring of the phone and every knock on the door.

For far too many, that unexpected phone call of our桌上announced the tragic loss of a spouse or parent.

For thousands more, injuries sustained in battle require a spouse or child to take on the responsibility of caretaker.

I am continually amazed at their resilience and ability to continue with their lives under such difficult circumstances.

Every family signed up knowing the requirements of duty.

However, regular assignments to theatres of war will challenge even the strongest families. Like many of my colleagues, I hear the frustration and sense the pain that frequent, dangerous and unpredictable deployments are having on military communities.

We know that these deployments are often measured not by weeks or months, but by an uncertain and unpredictable deployments are having on military communities.

We know that these deployments are often measured not by weeks or months, but by an uncertain and unpredictable deployments are having on military communities.

Describing the length of her husband’s deployment, one of my constituents told me how her husband “missed his older son’s graduation from college, and his youngest son’s graduation from High School.” Her frustration was compounded.

As Chairman SKELTON mentioned earlier, over a million children have not had a mom or dad or both home for life’s important events.

We have tried to take steps to lessen the strain on our families, but high operational tempo and policies like stop-loss still have a significant impact.

As a Navy wife recently told me, “We are resigned to the necessity of deployment.”

President Washington, in his first command in chief, President Washington, said, “The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation.”

That is why the Military Personnel Subcommittee will hold a hearing later this year focusing on military families and topics that are unique to military life.

. . . But it will take more than a series of hearings to address the very real concerns felt by families and men and women in uniform.

Just as we must ensure that service members have the equipment they need in the field, so too must we guarantee that families have the support they need at home.

I urge President to honor the commitment of those who “serve” behind our men and women in uniform and designate 2009 the Year of the Military Family.

I hope all my colleagues will support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 64, “Urging the President to designate 2009 as the ‘Year of the Military Family.’”

I want to thank my colleague Congressman Ike SKELTON of Missouri for introducing this resolution.

No group of Americans has stood stronger and braver for our nation than those who have served in the Armed Forces. From the bitter cold winter at Valley Forge to the boiling hot Iraqi terrain, our soldiers have courageously answered when called upon, gone where ordered, and defended our nation with honor.

Their noble service reminds us of our mission as a nation—to build a future worthy of your courage and your sacrifice. We celebrate, honor and remember these courageous and faithful men and women.

While the nation’s attention has been wholly focused on the economic crisis, Americans continue to die in wars across the globe, from Iraq to Afghanistan and beyond. The war in Iraq no longer makes headlines, but for military families it remains a daily reality, and our nation’s support of our military families makes the demands of their service even more challenging.

The President and Congress must come together to ensure that military families have the resources they need to support their service members.

When American troops are the ones fighting abroad, it is our military families who must also suffer. They wait every day and night hoping to hear from their loved ones, praying that they are not put in harm’s way, that they may come home soon.

Too many families have not been so lucky, finding out the news of a loved one’s death is not only emotionally traumatizing it can have long term effects for the family that may never be repaired.

We must all stand as champions for our men and women fighting abroad. These soldiers who bravely reported for duty, they are our sons and our daughters, they are our fathers and mothers, they are our husbands and wives, they are our fellow Americans.

There are over 26,550,000 veterans in the United States. In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district’s civilian population over the age of 18.

We remember and honor the sacrifices of our forces and their families. And we renew our national promise to fulfill our sacred obligations to those who have worn this nation’s uniform. Our veterans and their families ask for care more. Let us fight the good fight.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

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

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

The yeas and nays were ordered.

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

CALLING FOR RETURN OF SEAN GOLDMAN

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 125

Whereas David Goldman has been trying unsuccessfully since June 17, 2004, to secure the return of his son Sean to the United States where Sean maintained his habitual residence until his mother, Bruna Bianchi Ribeiro Goldman, removed Sean to Brazil;

Whereas on August 26, 2004, the Superior Court of New Jersey awarded custody to Mr. Goldman, ordered Mrs. Goldman and her parents to immediately return Sean to the United States, and indicated to Mrs. Goldman to his father, David Goldman, for immediate return to the United States where Sean maintained his habitual residence until his mother, Bruna Bianchi Ribeiro Goldman, removed Sean to Brazil;

Whereas on September 3, 2004, Mr. Goldman filed an application for the immediate return of Sean to the United States under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”) to which both the United States and Brazil are party and which entered into force between Brazil and the United States on December 1, 2003;

Whereas on August 22, 2008, Mrs. Goldman passed away in Brazil leaving Sean without a
mother and separated from his biological father in the United States;

Whereas Mr. João Paulo Lins e Silva, whom Mrs. Goldman married in Brazil, has petitioned Brazilian courts for custody rights over Sean Goldman and to replace Mr. Goldman’s name with his own name on a new birth certificate to be issued to Sean, despite the fact that Mr. Lins e Silva, is Sean’s biological father;

Whereas furthermore, the United States and Brazil have expressed their desire, through the Convention, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence”;

Whereas according to the Department of State’s April 2008 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the behind parent”;

Whereas the Department of State’s Office of Children’s Issues, while not always notified of international child abductions that currently involve more than 1,600 known cases of parental abduction to other countries involving more than 2,800 children abducted from the United States;

Whereas in fiscal year 2007, the United States Central Authority responded to cases involving 821 children abducted from the United States, and was requested to return 227 children to the United States partners under the Hague Convention, but during that same time period only 217 children were returned from Hague Convention partner countries to the United States;

Whereas according to the Department of State, Honduras has not acted in compliance with the terms it agreed to as a party to the Hague Convention, and Brazil, Bulgaria, Chile, Ecuador, Germany, Greece, Mexico, Poland, and Venezuela have demonstrated patterned noncompliance based on their Central Authority performance, judicial performance, or law enforcement performance of the Hague Convention;

Whereas according to the Department of State, in fiscal year 2008, the United States Central Authority counted 306 cases of parental abduction involving 455 children taken from the United States to other countries that are not parties to the Hague Convention, currently involving 67 children in Japan, 67 children in India, and 37 children in Russia;

Whereas three-year-old Melissa Braden is among the children who have been wrongfully taken to Japan, a United States ally which does not recognize intra-familial child abduction as a crime, and though its family laws do not discriminate by nationality, Japanese courts give no recognition to the parental rights of the non-Japanese parent, fail to enforce United States court orders relating to child custody or visitation, and place no effective obligation on the Japanese courts to ensure that Hague Convention partners return abducted children to the United States in compliance with the Hague Convention’s provisions;

Whereas furthermore, the United States Department of State, according to the Department of State’s April 2008 Report on Compliance with the Hague Convention, “calls on all other nations to join the Hague Convention and to establish procedures to ensure that Hague Convention partners return abducted children to the United States in compliance with the Hague Convention’s provisions; and

(C) calls on all other nations to join the Hague Convention and to establish procedures to promptly and equitably address the tragedy of child abductions, given the increase of transnational marriages and births, the number of international child abduction cases, and the serious consequences to children of not expeditiously resolving these cases; and

(D) urges all countries determined by the Department of State to have issues of noncompliance with the Hague Convention to fulfill their obligation under international law to take all appropriate measures to secure within their respective territories the implementation of Hague Convention and to use the most expeditious procedures available; and

The resolution highlights two emblematic cases and specifically calls for their prompt resolution. One is in a country that is a party to the Hague Convention, Brazil; the other in a country that is not, Japan. The facts of each case are equally heartbreaking.

Whereas Melissa Braden was taken from Los Angeles, California to Japan, in 2006, when she was just 11 nights old, despite a 2006 restraining order that forbade Melissa’s removal to Japan and an order granting joint custody to her father, Patrick Braden.

Despite his efforts, Mr. Braden and his daughter have not seen each other since her abduction. As in other cases, Japanese courts have not recognized his U.S. custody order and have not helped him gain visitation with his daughter.

Whereas furthermore, many American parents never see their children again when they are taken to Japan, I am hopeful that the Japanese government will take steps to respond to these cases by joining the Hague Convention. It is encouraging that the Japanese Ministry of Foreign Affairs is examining the Hague Convention, and I urge them to join as a party as soon as possible so that children like Melissa Braden can grow up knowing both of their parents.

The problem is, of course, much more widespread than these two cases. In 2008, the United States responded to cases involving 1,159 children abducted from the United States to countries

There was no objection.

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

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

The Chair recognizes the gentleman from California.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
Even after Sean’s mother died unexpectedly in August of 2008, the people unlawfully holding Sean in Brazil, especially a man who is not Sean’s father, have refused to allow Sean’s return home to New Jersey or, until last month, even to see his father.

Last month, I traveled to Brazil with David Goldman on what was his eighth trip to try to see his son and advance the legal and diplomatic process of returning Sean home to the United States. This trip was different, however, and we sincerely hope a turning point.

First and foremost, he got to visit with his son, and we met with several key Brazilian officials in President Lula’s government, including Ambassador Oto Agrípino Maia at the Ministry of External Affairs and others, in the judicial system Minister Ellen Gracie Northfleet, the former chief justice and current member of the Supreme Court. We were encouraged by our awareness of Brazil’s solemn obligation as a signatory to the Hague Convention to return Sean to the United States.

In subsequent meetings here in the U.S. with Brazilian Ambassador Antonio Patriotic Ambassador to the Organization of American States, Osmar Chofi, we were again assured that the Lula government believes that Sean Goldman should be in the United States and with his father. Still, the encouraging words, are what matter most, and Sean remains unlawfully held in Brazil.

When in Brazil last month, I had the extraordinary privilege of joining David and Sean in their first meeting in 4 1/2 years. Now almost 9, Sean Goldman was delighted to see his dad. The love between them was strong and was obvious from the very first moment. In the first moments of their meeting, I did see the pain on Sean as he asked his father why he hadn’t visited him in 4 1/2 years. David told him that he has traveled to Rio several times to try to be with him. But in order to mitigate Sean’s pain because of the abduction, David blamed only the courts, not the abductors, for the separation, a sign of class and I think a sign of David’s sensitivity.

This is a picture to my left here that I took while I was in Brazil, a picture of a dad with his son after shooting the ball around the Inter American Convention. "Sean, a remarkable young man who needs to work on his set shot, was completely at ease and eager to get reacquainted with his dad. I took this picture about 1 hour after their first reunion after 4 1/2 years. The joy on both of their faces, as I think all can see, is compelling. There were hugs and there were kisses, and you can see that there was a great bond between this dad and his son.

Mr. Speaker, the kidnapping of Sean Goldman and his continued 4 1/2 year unlawful retention in Rio must be resolved immediately and irrevocably. A father, who deeply loves his son, wants desperately to care for him and spend precious time with him and has had his nationally and internationally recognized parental rights, and his son has had his rights as well, violated with shocking impunity.

David Goldman should not be blocked from raising his own son. And a child who recently lost his mom belongs with his dad.

The Government of Brazil, Mr. Speaker, has failed to live up to its legal obligations under international law to return Sean to his biological father. The Government of Brazil has an obligation they must fulfill and without further delay. The resolution before us today expresses the House of Representatives’ profound concern and calls on Brazil to, in accordance with its international obligations and with “extreme urgency” bring about the return of Sean Goldman, with his dad, David Goldman, in the United States. Justice delayed, Mr. Speaker, is justice denied. And Sean’s place is with his dad.

Mr. Speaker, on the bigger picture, international child abductions by parents are not rare. The U.S. Department of State reports that it is currently handling approximately 1,900 cases involving more than 2,800 children abducted from the United States to other countries. And the cases do not include children of parents, for whatever reason, do not report the abductions to the U.S. Department of State.

In recognition of the gravity of this problem and the tragic consequences that child abductions can have both on the child and the parent who is left behind, the Hague Convention on the Civil Aspects of International Child Abduction was reached in 1980. The purpose of the Hague Convention is to provide an expeditious method to return an abducted child to the child’s habitual residence so that custody determinations can be made in that jurisdiction. According to the terms of the Convention, such return is to take place within 6 weeks—not over 4 1/2 years—after proceedings under the Convention are commenced.

The United States, Mr. Speaker, ratified the Hague Convention in 1988. Brazil acceded to the Hague Convention in 1999 and thus, finally, the protection that Brazil was entered into force between Brazil and the U.S. in 2003, a year before Sean was abducted. In accordance with the Hague Convention, David Goldman on September 3, 2004, filed, in a timely fashion, an application numbers immediate return of his son, Brazil, sadly, has failed to deliver.

I would point out on a positive note that within a week of our return home to the United States, the Brazilian abductor did take steps we considered to be a major step in the right direction for David and Sean. The decision was to move the case from the local courts, which were erroneously bogged down in
making a custody determination, to the Federal court capable and responsible for making decisions in accordance with obligations under the Hague Convention. Pursuant to an amended application filed under the Convention after the death of Sean’s mother and in accordance with “the expedited return” provisions of the Hague Convention, Brazil’s only legitimate and legal option now, as it has been, is to effectuate Sean’s return. And it must be done now.

Finally, Mr. Speaker, this weekend, Brazilian President Lula will visit the United States and visit one-on-one with President Obama. The White House meeting should include a serious discussion about Brazil’s—and this is the State Department term—pattern of noncompliance with the Hague Convention and Brazil’s obligation to immediately fulfill this obligation in the case of Sean Goldman and many other cases like it, including one that Mr. Poe will mention momentarily. I’m happy to say that over 50 Members of the House, including my friend and colleague, Mr. HOLT, have cosponsored this resolution. Over 43,000 people from 154 nations have signed a petition urging the President to do the right thing and expeditiously return Sean to the United States. So many people, Mr. Speaker, have joined in and helped David in his fight for his son and deserve our appreciation and respect.

His skillfully-talented and legal counsel here in the United States, Patricia Apy, and in Brazil, Ricardo Zamariola, Jr., have made their case with expertise, precision, compassion and particular adherence to the rule of law. The staff at our consulates in Brazil—Consul General Marie C. Damour, Joanna Weinz and Karen Gustafson—have all tirelessly and professionally worked this case for several years as if Sean and David were their own. I thank the distinguished Chair of the House Committee on Foreign Affairs, Mr. BERMAN, and Mr. SMITH from New Jersey for bringing this resolution to the floor. The resolution calls on the Government of Brazil to live up to its obligations under the Hague Convention on the Civil Aspects of International Child Abduction by releasing Sean Goldman to the custody of his father, David Goldman of Tinton Falls, New Jersey, my constituent. This bill shines a bright light on the problem of international parental kidnapping, and it is an issue that deserves congressional attention.

Let me recount some of the recent background on this issue and why this resolution is before the House today. It is heartrending, as you have heard from my colleague from New Jersey, Nearly 5 years ago in June, 2004, Mr. David Goldman began a long and painful odyssey to rescue his son from an international parental kidnapping. He had driven his wife, Bruna, and their 4-year-old, Sean, to the Newark airport for a scheduled trip to visit her parents in Brazil. Mr. Goldman was to join them a few days later. Shortly after arriving in Brazil, Mrs. Goldman called her husband with two things: their marriage was over, and if he ever wanted to see Sean again, he would have to sign over custody of the boy to her. To his credit, Mr. Goldman refused to be blackmailed. Instead, he began a campaign, a relentless campaign, to secure his son’s release.

There is no question that Mr. Goldman has the law both here in the United States and internationally on his side. It is sad and unfortunate that this father—like any father—must have their personal lives dragged through the public forum.

For any of us who have children or grandchildren, we can imagine but not fully comprehend the pain that Mr. Goldman and similar parents have gone through when a spouse kidnaps a child and whiskers them away somewhere around the world. Tragically, Sean Goldman’s case is just one of over 50 reported cases worldwide. Many countries, including key U.S. allies such as Japan, are not even signatories to this Hague Convention. For parents of children kidnapped by a spouse and taken to one of these non-Hague signatory countries, it is difficult to get the tools available to Seattle to recover kidnapped children is even more difficult. The resolution before us highlights also the plight of these parents and their children. And it should be viewed as one step toward increasing awareness of the impact of children kidnapped by a spouse and joint or alone, or would have been exercised.’’ Well, Sean Goldman had been habitually resident in New Jersey until his mother kidnapped him and took him to Brazil.

Shortly after that, Mr. Goldman filed a Hague Convention application in Brazil’s federal courts seeking the return of his son under the Convention. Despite the clear legitimacy of Mr. Goldman’s claim, the case has crawled along in Brazil’s courts, bouncing back and forth. Mr. Goldman’s wife secured a divorce in Brazil and began a new relationship with a prominent lawyer. In August of last year, his former wife died during childbirth, a fact that Mr. Goldman learned nearly a year later, and a fact that was concealed from the Brazilian courts by Mr. Lins e Silva, her then husband, and Mr. Goldman’s late wife’s parents.

After our individual intercession and with the help of the State Department and my colleague from New Jersey, and I particularly want to note his actions, Brazilian authorities moved to have the case once again sent to Brazil’s federal courts to secure visitation rights for Mr. Goldman. Finally, just last month, Mr. Goldman was able to see his son for the first time in more than 4 years. It is clear that Sean still loves his father and wants to be with him. It appears that the only thing standing in the way of that is the illegal conduct of Mr. Lins e Silva.

I applaud Secretary of State Clinton for raising this issue with Brazil’s foreign minister and through other channels. If Sean is not released by the end of this week, I hope that President Obama will continue to bring the issue to the attention of Brazilian President Lula Da Silva and that Sean and his father will be united as they should be.

I thank the gentleman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. POE), a member of the Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentleman for yielding.

I appreciate the support of Chairman BERMAN and Mr. SMITH from New Jersey. Mr. SMITH has a reputation for going and helping out his district. During the Russian incursion into the Republic of Georgia, while that was still going on, Mr. SMITH rescued two young people and got them back to his district while the Russians were still invading. That tells all of us a lot national Child Abduction entered into force. The United States and Brazil are both signatories. Under article 3 of the Convention, the removal of a child shall be considered wrongful if “it is in breach of rights of custody attributed to a person, an institution or any other body by nature or law, whether or not the child would have been exercised.’’ Well, Sean Goldman had been habitually resident in New Jersey until his mother kidnapped him and took him to Brazil.
about your willingness to advocate on behalf of human rights.

It is reported that there are nearly 50 cases in which children who are residents of the United States have been wrongfully abducted to Brazil and have not been returned to the United States as required under the Hague Convention. Mr. Goldman and other United States citizens, specifically Patty Pate of Crosby, Texas, in my district, are allowed under international law to obtain quick return of their children from Brazil and other countries that have entered into obligations with the United States under the Hague Convention.

It seems to me that Brazil approves of government-sanctioned kidnapping of American children and ignoring agreements with the United States. Mr. Pate’s story is very similar to the one already presented here on the House floor, although this is a story about a father and a daughter. Thanks to Fox 26 News in Houston, Texas, they have brought this story to light. And it is the Marty Pate story.

It seems that in May, 2006, Marty Pate’s ex-wife, Monica, told him that she wanted to temporarily go back to her home in Brazil and take their 7-year-old daughter, Nicole, with her. Marty Pate objected, but he allowed her to take the daughter for a short visit. Both agreed under a Harris County, Texas, court order as to what travel stipulations there would be, and both signed a notarized document on what those travel restrictions would be. One of those was there would be a maximum of 21 days that the child would be allowed to leave the United States. On August 5, 2006, Monica and her daughter, Nicole, left the United States and never returned. That was the last time that Marty Pate saw his daughter. There is an outstanding arrest warrant for Monica on failure to follow a court order in the State of Texas.

Mr. Speaker, this ought not to be. It seems as though Brazil is ignoring agreements that they have made under international law with the United States and continues to do so. As a side note, the United States gives foreign assistance to Brazil. Maybe the Foreign Affairs Committee needs to re-evaluate whether we should give them assistance when they continue to kidnap or sanction kidnappings of American citizens. The United States should insist that countries like Brazil live up to their legal obligations to return to America, America’s children.

And that’s just the way it is. Mr. SMITH of New Jersey. I thank Mr. Berman for his leadership on this issue and for supporting America’s children.

Mr. Berman. Mr. Speaker, at this point I will reserve. We have one speaker remaining.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. Jones).

Mr. JONES. Mr. Speaker, I want to thank Chairman Berman, Chris Smith, Mr. Holt and everyone else. I saw this story about this family probably a year ago, and it broke my heart, quite frankly.

I do not understand how a country such as Brazil, which I have respect for, could allow this to happen. This is not what the world should be about. The world should be about trying to bring families together, and Brazil has a responsibility that they are not making and they are not keeping.

I would say to the country of Brazil that if this was reversed, I believe that this House, the leadership of Mr. Berman and Mr. Smith, would be on this floor saying to the family here that was keeping the son of a father in Brazil, let’s send him back to his father.

So I hope that the country of Brazil and those who are here in Washington, D.C. representing their country or listening to this debate, I hope that they will fully understand that this is a debate of compassion. Mr. Goldman and his son, Sean, they have every right to be together. So I came down here to the floor today from North Carolina with not a great deal to add to this debate but my heart. And my heart says let’s get this family together. I thank very much Mr. Berman and Mr. Smith, and say to the Brazilian government, please listen to the American people. Let’s work together for the good of this family.

Mr. Berman. Would the gentleman yield?

Mr. JONES. I would be delighted to yield. Mr. Berman, I thank the gentleman for yielding. Your interesting point that if the situation was reversed, we saw that situation. It was a very famous case: Elian Gonzalez. Even though we were being sent back to a country, there were no diplomatic relations, and even though the nature of that government was one that we did not support, the rights of the father to be reunited with his son prevailed over all of the political considerations. So we saw the tables reversed, and we saw what the U.S. Government did in that situation. I concur with the gentleman’s point on this issue.

Mr. JONES. I thank Chairman Berman, and before I yield back, I ask God to please intervene on behalf of this wonderful family and bring the father and the son back together.

Mr. Berman. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Becerra).

Mr. BECERRA. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in support of this resolution.

My mother once said to me shortly after I had seen the birth of my first child, “Son, there is no tragedy for any parent that is greater than the experience of witnessing your own child’s death.” Nothing is more precious than life, and nothing is more profound than the love of a parent for the life of that child brought to this Earth.

Mr. Speaker, according to the State Department’s Office of Children’s Issues, there are 306 pending cases of parental abductions involving 455 American children taken to countries that are not a party to the Hague Convention on Child Abduction. And 101 of these abducted American children currently reside in Japan. In the midst of a custody dispute, Melissa Braden, the daughter of one of my constituents, Patrick Braden, was taken to Japan by her mother and has been there ever since. Despite a court restraining order for Melissa to remain in the United States and an arrest warrant issued by the FBI for her mother, Japanese authorities have refused to act on this case. Japanese courts give no recognition to the parental rights of the American parent and the Japanese parent, and the Japanese government refuses to enforce U.S. court orders related to child custody or visitation.

After his daughter’s abduction when Mr. Braden approached me for help and said he could not see what he could do, you can imagine my disbelief and dismay that we were unable to help secure Melissa for Mr. Braden or to even have them reunited in Japan. I approached the State Department, and I wrote to President Bush in 2007 and asked for their intervention on behalf of Mr. Braden.

The State Department has committed to raising this issue at the highest levels of dialogue with Japan, and I wish to say here publicly, thank you to Chairman Berman for his support of this issue and for supporting America’s parents and their families.

I would like to thank two champions of human rights, the gentlemen from New Jersey, Mr. Smith and Mr. Hoyer. And most of all, Mr. Speaker, my mother was right: there is nothing worse than losing your own child, especially when your child is still alive.

I urge all of my colleagues to support this resolution to get action on behalf of all of our American families with countries that are some of our greatest partners and allies.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time to say very simply that our message to the Brazilian government is to bring Sean home, and to do so today.

Mr. Speaker, I yield back the balance of my time.
fundamental human rights. I urge its adoption.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Berman) that the House suspend the rules and agree to the resolution. H. Res. 125, as amended.

The question was taken.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

**SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY**

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 194) supporting the goals of International Women's Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 194

Whereas there are over 3,000,000,000 women in the world, representing 51 percent of the world's population;

Whereas women continue to play the prominent role in caring for families within the home as well as serving as economic earners;

Whereas women worldwide are participating in the world of diplomacy and politics, contributing to the growth of economies, and the quality of the lives of their families, communities, and nations;

Whereas women leaders have recently made significant strides, including the 2009 appointment of Angela Merkel as the first female Prime Minister of Iceland, the 2007 election of Congresswoman Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President in Chile, as the first female Prime Minister of India, and the 2005 election of Angela Merkel as the first female Chancellor of Germany, who also served as the second woman to chair a G8 summit in 2007;

Whereas women account for 50 percent of the world's 70 million micro-borrowers, 75 percent of the 20,000 United States loans supporting small businesses in developing countries are given to women, and 12 women are chief executive officers of Fortune 500 companies;

Whereas the United States women are graduating from high school at higher rates and are earning bachelor's degrees or higher degrees at greater rates than men with 88 percent of women between the ages of 25 and 29 having obtained a high school diploma and 31 percent of women between the ages of 25 and 29 earning a bachelor's degree or higher degree;

Whereas despite tremendous gains over the past 20 years, women still face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world;

Whereas worldwide women remain vastly underrepresented in national and local assemblies, holding on average less than 18 percent of the seats in parliament, except for in East Asia where the figure is approximately 30 percent, and women do not hold more than 30 to 35 percent of the ministerial positions in developing regions;

Whereas women work two-thirds of the world's working hours, produce half of the world's food, and earn only 10 percent of the world's income and own less than 1 percent of the world's property;

Whereas female managers earned less than their male counterparts in the 10 industries that employed the vast majority of all female employees in the United States between 1995 and 2005;

Whereas 70 percent of the 1,300,000,000 people living in poverty around the world are women and children;

Whereas two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys according to the United Nations Agency for International Development;

Whereas worldwide women account for half of all cases of HIV/AIDS, (approximately 42,000,000), and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;

Whereas globally, each year over 500,000 women die during childbirth and pregnancy;

Whereas domestic violence causes more deaths and disability among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide, at least 1 out of every 3 women and girls has been beaten in her lifetime;

Whereas at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime, according to the Centers for Disease Control and Prevention;

Whereas worldwide, 130,000,000 girls and young women have been subjected to female genital mutilation, and it is estimated that 10,000 girls are at risk of being subjected to this practice in the United States;

Whereas worldwide, 1,000,000 women and children for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 90,000 to 100,000 are transported into the United States, according to the Congressional Research Service and the Department of State;

Whereas between 1995 and 2000, approximately 18 to 19 percent, and women do not hold more than 30 to 35 percent of the ministerial positions in developing regions;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas in times and places of conflict and war, women and girls continue to be the focus of extreme violence and intimidation and face tremendous obstacles to legal recourse and justice;

Whereas March 8 has become known as International Women's Day for the last century, and is a day on which people, often disadvantaged, come together to celebrate a common struggle for women's equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the House of Representatives

(1) supports the goals of International Women's Day;

(2) recognizes and honors the women in the United States and other countries who have fought and continue to struggle for equality in the face of adversity;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that ensure the human rights of women and girls both in the United States and in other countries; and

(4) encourages the President to use his good offices to affirm his commitment to pursue policies to protect fundamental human rights and civil liberties, particularly those of women and girls, and

(5) issue a proclamation calling upon the people of the United States to observe International Women's Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from New Jersey (Mr. Smith) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I first want to thank Representative JAN SCHAKOWSKY and the other co-sponsors of this resolution for honoring the contributions and achievements of women around the world, and the importance of promoting and protecting their rights.

Today, women all over the world are becoming leaders in science, medicine, arts, politics, and even the military. Despite this progress, it is a sad fact that women and girls constitute the vast majority of the world's poor, chronically hungry, refugees, HIV-infected, uneducated, unemployed, and disenfranchised. All too often, women are subject to physical violence and discrimination as a result of their gender. Women are also the targets of cruel cultural practices, including genital mutilation, forced and early marriages, humiliating and harmful widow practices, bride burnings and honor killings.

On average, women continue to receive less pay for work of equal value, and many continue to face discrimination in hiring and admission to educational institutions. It is not enough to simply declare the equality of women and condemn their mistreatment. We must, in all sectors of society, address the structural factors that prevent women and girls from enjoying the same rights and opportunities as boys and men.

We must also eliminate the criminal and cultural practices that destroy the lives and freedom and health of women. Statistics demonstrate that when women's quality of life improves, their...
children are happier, healthier and better educated. Entire communities and countries benefit from these improvements. Successful, educated and respected women also become powerful role models for future generations.

In honor of our family members, our female colleagues and our Speaker, not to mention women across the country and around the world, I am proud to support this resolution and urge all my colleagues to do the same.

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

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

H. Res. 194, supporting the goals of International Women’s Day, provides us with an opportunity to celebrate the important contributions to all levels of society and social advancement of women around the globe.

I would like to focus my comments on the problem posed in the resolution on which so much more needs to be done to ensure women and girls worldwide achieve their full potential. One is with respect to the horrible phenomenon, the criminality, of human trafficking. The resolution cites reports indicating that two million women are trafficked for sexual exploitation, forced labor, and domestic servitude each year. Some NGO estimates are far higher than that number. Women are robbed of their dignity, human rights, and forced into bondage and sexual servitude. They are modern-day slaves.

In 2000, I was the prime sponsor of the Trafficking Victims Protection Act of 2000 which, together with its reauthorizations, including Chairman BERKLEY of 2000 which, together with its reauthorizations, including Chairman BERKLEY, operate with the United States to address the overdraft exploitation that occurs as a result of sex tourism. Girls are the primary victims in this often overlooked form of trafficking. Another treatable and curable need of improvement is that of maternal health. Most of us are familiar with the appalling statistic that in sub-Saharan Africa, the lifetime risk of maternal death is 1 in 16, compared with 1 in 2,800 in developed countries. It is unacceptable and awful in the extreme that most of these maternal deaths are preventable.

During the Africa Subcommittee’s hearing about safe blood that I chaired in the 109th Congress, we heard from Dr. Neelam Dhingra of the World Health Organization. Dr. Dhingra informed us that the most common cause of maternal death in sub-Saharan Africa is severe bleeding, which can take the life of even a healthy woman within 2 hours if not properly and immediately treated. She gave us the astonishing statistic that severe bleeding during delivery or after childbirth contributes to up to 44 percent of maternal deaths, many of which could be prevented simply by having access to safe blood. A sufficient quantity and quality of transfusible and usable blood must become the norm and not the exception. I congratulate CHAKA FATTAH from Philadelphia, a Member of Congress, for his work in promoting safe blood.

Another unacceptable risk for many women giving birth in the developing world, especially Africa, is obstetric fistula. Fistula, Mr. Speaker, can be treated and repaired through a relatively minor surgical procedure that costs, on average, $150 per surgery. Still, large numbers of women, an estimated 2 million, endure tremendous pain and numbing isolation that comes from being the walking wounded, incontinent and ostracized, and not able to get to a hospital—like the famous hospital in Addis, which performs these wonderful interventions. I visited that hospital and saw dozens of women who got fistula repair, and the smiles on their faces were amazing. With just a small investment of health care dollars, the lives of women throughout Africa could be dramatically changed.

Helping mothers and helping babies go hand in hand, Mr. Speaker. There is no dichotomy. When women receive proper prenatal and maternal health care, they are less likely to die in childbirth, and when unborn babies are healthy in the womb, they emerge as healthier, stronger newborns.

Birth is not the beginning of life, it is merely an event in the baby’s life that began at fertilization. Life is a continuum. I believe, Mr. Speaker, human rights should be respected from womb to tomb, and that no violence is acceptable against any one, regardless of age, race, religion, gender, disability, or condition of dependency. We need to recognize this biologic fact in policy, funding and programs, and treat both mother and baby, including the unborn child, as two patients in need of respect, love and non-criminal assistance. We need to affirm them both.

I would like to conclude by raising the plight of women, and especially the girl child, who suffer from the coercive population control agenda of the Chinese government.

As you know, Mr. Speaker, I was blocked from offering two pro-life, pro-child, pro-women amendments to the huge $410 billion omnibus. One of those amendments would have restored the Kemp-Kasten policy for all organizations, including the U.N. Population Fund, if they had been found to be involved with coercive population control.

I held 26 hearings. Mr. Speaker, on human rights in China when I was the chairman of the Human Rights Subcommittee and met with numerous women during frequent human rights missions to China. There is no doubt that the U.N. Population Fund has supported pro-abortion, pro-abortionists who stopped the slave trade in London, co-managed, and whitewashed the most pervasive crimes against women in all of human history.

China’s one-child-per-couple policy relies on pervasive coerced abortion, involuntary sterilization, ruinous fines and involuntary servitude. It is the salary of both parents, imprisonment, and job loss or a demotion to achieve its quotas. In China today, brothers and sisters are illegal. Women are told when and if they can have the one child permitted by law. And rather than showing compassion and tangible assistance to unwed mothers, unwed moms, even if it’s their first baby, are forcibly aborted. Let me say that again. There are no unwed moms in China, they are all unwed.

Women are severely harmed emotionally, psychologically and physically. Chinese women are violated by the state. The suicide rate for Chinese women is about 500 per day, according to the most recent Human Rights Report from the Department of State—it just came out 2 weeks ago—and that number far exceeds any other number.

Then there are the missing girls, upwards of 100 million girls missing in China as a direct result of sex selection abortions. This is a direct result of the one-child-per-couple policy combined with a preference for boys. That human rights abuse has to be made much more visible. The Chinese Government has to take corrective action. As if up ten times we have to do our part to stop this gendercide of young girls, of little girls.

I urge unanimous support for H. Res. 194. It is an excellent resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 194. It is an excellent resolution.

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The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. A motion to reconsider was laid on the table.

RECOGNIZING PLEIT OF TIBETAN PEOPLE ON 50TH ANNIVERSARY OF THE DALAI LAMA’S EXILE

Mr. Berman. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 226) recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 226

Whereas for more than 2,000 years the people of Tibet have maintained a distinct cultural identity, language, and religion; whereas in 1951, the Chinese forces of the People’s Republic of China took over the eastern areas of the traditional Tibetan homeland, and by March 1951 occupied the Tibetan capital of Lhasa and laid siege to the Tibetan government buildings; whereas in April 1951, under duress of military occupation, Tibetan government officials signed the Seventeen Point agreement which provided for the preservation of the institution of the Dalai Lama, local self-government and continuation of the Tibetan political system, and the autonomy for Tibetans within the People’s Republic of China; whereas on March 10, 1959, the Tibetan people rose up in Lhasa against Chinese rule in response to Chinese actions to undermine self-government and to rumors that Chinese authorities planned to detain Tenzin Gyatso, His Holiness the 14th Dalai Lama, the spiritual and temporal leader of the Tibetan people; whereas on March 17, 1959, with the People’s Liberation Army commencing an assault on his residence, the Dalai Lama, in fear of his safety and his ability to lead the Tibetan people, fled Lhasa; whereas upon his arrival in India, the Dalai Lama declared that he could do more in exile for his country and self-determination of Tibetans than he could inside territory controlled by the armed forces of the People’s Republic of China; whereas the Dalai Lama was welcomed by the Government and people of India, a testament to the close cultural and religious links between India and Tibet and a mutual admiration for the Dalai Lama’s non-violence espoused by Mahatma Gandhi and the 14th Dalai Lama; whereas under the leadership of the Dalai Lama, Tibetans overcame adversity and hardship to establish vibrant exile communities in India, the United States, Europe, and elsewhere in order to preserve Tibetan cultural identity, language, and religion; whereas the Dalai Lama set out to instill democracy in the exile community, which has led to the Central Tibetan Administration with the de facto executive and legislative branches, as well as a Judicial Branch; whereas on March 10 every year Tibetans commemorate events that led to the separation of the Dalai Lama from Tibet and the struggle of Tibetans to preserve their identity in the face of the assimilationist policies of the People’s Republic of China; whereas over the years the United States Congress has sent strong messages condemning the Chinese Government’s represssion of the human rights of Tibetans, including restrictions on the free practice of religion and the detention of thousands, and the disappearance of Gedhun Choekyi Nyima, the 11th Panchen Lama; whereas in October 2007, Tenzin Gyatso, the 14th Dalai Lama received the Congressional Gold Medal in recognition of his life-time efforts to promote peace worldwide and a non-violent resolution to the Tibet issue; whereas it is the objective of the United States Government, consistent across administrations of different political parties, to promote a substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people; whereas eight rounds of dialogue between the envoy of the Dalai Lama and representatives of the Government of the People’s Republic of China have failed to achieve any concrete and substantive gains; whereas the 2008 United States Department of State’s Country Report on Human Rights states that “The [Chinese] government enforces its human rights policies in areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet’s unique religious, cultural and linguistic heritage continued to be of concern” and whereas the envoys of the Dalai Lama presented in November 2008, at the request of Chinese officials, a Memorandum on Genuine Autonomy for the Tibetan People outlining a plan for autonomy intended to be consistent with the constitution of the People’s Republic of China: Now, therefore, be it

Resolved—That the House of Representatives—

(1) recognizes the Tibetan people for their perseverance in face of hardship and adversity; the Tibetan people across Tibet and for their merit and democratic community in exile that sustains the Tibetan identity; (2) recognizes the Government and people of China for their generosity and freedom for the Tibetan refugee population for the last 50 years; (3) calls upon the Government of the People’s Republic of China to respond to the Dalai Lama’s initiatives to find a lasting solution to the Tibetan issue, cease its repression of the Tibetan people, and to lift immediately all harsh policies imposed upon Tibetans, including patriotic education campaigns, detention and abuses of those freely expressing political views or repressing news about local conditions, and limitations on travel and communications; and

(4) calls upon the Administration to recommit to a sustained effort consistent with the Tibetan Policy Act of 2002, that employs diplomatic, programmatic, and multilateral resources to press the People’s Republic of China to respect the Tibetans’ identity and the human rights of Tibetans; and return to the floor, the gentleman from California (Mr. Berman) and the gentlewoman from Florida (Ms. Ros-Lehtinen) each will control 20 minutes.
The Chair recognizes the gentleman from California.

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, in strong support of this resolution and yield myself as much time as I may consume.

The resolution recognizes the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama’s exile and calls for a sustained multilateral effort toward a peaceful resolution to the Tibet issue.

The resolution is introduced by my good friends, the gentleman from New Jersey (Mr. HOLT) and our ranking member, ILEANA ROS-LEHTINEN of Florida. I thank them for their leadership in ensuring that the House commemo rates this important date.

In 1949, the People’s Liberation Army of China entered the eastern areas of the traditional Tibetan territory. In 1951, they occupied the Tibetan capital of Lhasa. Fifty years ago this month, the Tibetan people rose up in Lhasa against Chinese rule.

On March 17, 1959, His Holiness the Dalai Lama fled Tibet after the People’s Liberation Army commenced an assault on his residence. He was followed into exile by some 80,000 Tibetans. Tens of thousands of Tibetans who remained were killed or imprisoned.

Under the leadership of the Dalai Lama, Tibetans have sought to overcome adversity and hardship. Exiled communities have been established in India, the United States, Europe, and elsewhere, to preserve Tibetan cultural identity, language and religion. They have the most important leaders, but at home, the uniqueness of the Tibetan people remains threatened by Chinese policies.

Over the years, the Congress has repeatedly championed the rights of Tibetans, applauded efforts by the Dalai Lama to seek a peaceful resolution to the dispute between China and Tibet, and funded programs to assist Tibetan refugees.

In 2002, Congress passed the Tibetan Policy Act, the cornerstone of U.S. policy toward Tibet. This legislation codified the position of Special Coordinator for Tibetan Issues and emphasized that it should be U.S. policy to promote a dialogue between the Chinese Government and representatives of the Dalai Lama in order to achieve a settlement based on meaningful and genuine autonomy for the Tibetan people.

In 2007, Congress awarded the Congressional Gold Medal to His Holiness the Dalai Lama, recognizing his life-long dedication to the causes of peace and non-violent resolution to the Tibet issue.

I know that many of our friends in China are distressed by the continued congressional focus on Tibet. To them I say this resolution is not anti-Chinese. We have deep respect for both peoples. But after eight rounds of fruitless meetings between the Chinese Government and representatives of the Dalai Lama, it appears to many of us that China is not serious about achieving resolution of this difficult issue.

It’s time for China to negotiate in good faith. I urge the Chinese Government to respect policies in Tibet and to provide the Tibetan people genuine autonomy in their traditional homeland.

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

Mrs. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank our esteemed chairman of the committee, Mr. Berman from California.

Mr. Speaker, I rise in enthusiastic support of this House resolution because it conveys a continued deep concern of both the Congress and the American people for the plight of the people of Tibet, a concern first expressed by committee chairman, Tom Lantos. Our chairman, Mr. Berman, continues this human rights legacy. I’m honored to join with my colleague, Congressman Holt, in co-sponsoring this important resolution commemorating the 50th anniversary of the uprising in Tibet against Chinese Communist rule.

The history of the people of Tibet for the past half century has been one of grace under fire and of courage in the face of extreme adversity. Beijing’s Communist overseers displayed once again their calloused hostility to the cultural, religious and linguistic rights of the Tibetan people by their harsh and bloody crackdown in Tibet exactly 1 year ago. The iron grip of Beijing, however, cannot silence, cannot repress, cannot extinguish the resilient Buddhist spirit of the people who occupy the land known as the “Roof of the World.”

The forced exile of His Holiness the Dalai Lama and his flight into India 50 years ago is a continuing source of profound sorrow for the people of Tibet. This resolution, therefore, Mr. Speaker, also takes note of the warmth and respect with which the government and the people of India have greeted the Dalai Lama and other exiles from Tibet.

Tibet’s tragic loss of its spiritual leader, however, has proven to be the world’s gain. No steadier voice on the issues of religious freedom and human rights has been heard in the corridors of power than that of the quiet, but determined, voice of the Dalai Lama. He has risen from being a humble refugee to becoming both a Nobel Peace Prize recipient and the conscience of the civilized world.

The Chinese Foreign Minister is in Washington this very week for an official visit, the very week that we commemorate the uprising in Tibet. Just prior to his departure from Beijing to Washington, the Chinese Foreign Minister stated, “The Dalai side still insists on establishing a so-called greater Tibet question of Chinese territory; why, shall we call this person a religious figure?”

Mr. Speaker, this resolution can serve as a response to the foreign minister. The U.S. Congress has a message for the Foreign Minister of China’s Government, and that is that the Dalai Lama is not only a religious figure, but a person of such renown that he was granted the Congressional Gold Medal. I was honored to serve as one of the sponsors for this legislation contained in the forceful language of this resolution calling for the preservation of the religious and human rights of the people of Tibet. The U.S. Government must keep faith with the people of Tibet. We must press the Chinese regime on issues of human rights and religious freedom in Tibet. The U.S. Congress will not fail in our commitment to Tibet and to its people.

Now is the time for all of us to reflect on the enormous resilience of a captive Tibet and its suffering people over the past five decades. Now is the time to call on the Communist leaders in Beijing—sitting behind the walls of their enclosed compound—to hear the cries from the international community for justice in Tibet. Now is the time for our colleagues to reconfirm their support for the Dalai Lama and for his oppressed people.

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

Mr. BERMAN. Mr. Speaker, at this point I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT), the sponsor of the resolution.

Mr. HOLT. Mr. Speaker, I thank the distinguished chairman for yielding.

Yesterday marked the passage of 50 years since the Tibetan people in Lhasa first rose in protest against the harsh actions of the People’s Republic of China to undermine the Tibetan self-government. I am honored to introduce this resolution recognizing the long hardship borne by the Tibetan people, a people who have labor peacefully for freedom in Tibet and maintain a Tibetan cultural identity and democratic community, even in exile. Importantly, this resolution also recognizes the government and the people of India, who generously have hosted the exiled government and people of Tibet in the city of Dharamsala since 1960. The perseverance and charity exhibited by these peoples should be a model for all.

From its origins the situation in Tibet has deteriorated with too little attention from the outside world. Tibetan culture has been eradicated systematically and relentlessly. Basic freedoms,
like freedoms of speech and religion and association and movement, have been repressed. Human rights abuses have been all too common and continue to occur. At this time last year, the Chinese Government was engaged in a fierce confrontation with nonviolent Tibetan protesters that resulted in numerous injuries to civilians and an undetermined but significant number of deaths. Even today reports indicate that the Chinese Government has imposed a virtual state of martial law in the Tibetan area.

Over the same 50 years and in the face of such adversity, the Dalai Lama has sought to bring wisdom to human affairs and has used his position and leadership to promote compassion and nonviolence in the search for a lasting solution to this issue.

Last year I had the opportunity to travel to India with a congressional delegation led by Speaker Pelosi. We witnessed firsthand the dedicated Tibetans who crossed the rugged Himalayas to escape oppression, including young children. We also had lengthy meetings with the Dalai Lama, whose commitment to peaceful, steady progress is a powerful beacon of hope to all those seeking freedom and equality. It is long past time for this commitment to be reciprocated by the Chinese Government.

The so-called ‘Seventeen Point Agreement’ was signed by Chinese authorities in 1951 provided that "the central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions, and powers of the Dalai Lama. Officials of various ranks shall hold office as usual." A few years later, in March of 1959, just days after the Dalai Lama’s flight from Lhasa, the Chinese Government abolished the local Tibetan governing structure. The agreement also explicitly stated that "when the people raise demands for reform, they must be settled through consultation with the leading personnel of Tibet." Clearly the terms of this agreement have not been upheld. Tibetans and the international community are asking that the Chinese Government implement autonomy as promised but never granted genuinely.

In this spirit the resolution before us calls for an immediate cessation of the repression and abuses being imposed by the Chinese Government that is the oppressor of this actually ancestral home of the Tibetan people. We must differentiate between the vicious dictators who obliterate their opposition and repress their own people. We must differentiate between them and the democratic forces of this world. Our job as Americans, as set forth by George Washington, whose picture we see now overseeing these proceedings, we were given the task to ensure that the light of democracy will shine bright. It does not shine bright on governments that turn their backs on the oppression that we have seen by Beijing, the suppression of the people of Tibet, which we recognize today in these five decades of suppression.

So today let us recognize that the Dalai Lama has been a force for peace and freedom and justice in this world. We wish him all the best. We wish the people of Tibet the best. And we are on their side. This resolution says the American people, of whatever political party is not important, that we are on the side of the people of Tibet, and they should have no doubts about this and the government in Beijing that suppresses them should have no doubts about that as well. Mr. BERMAN, Mr. Speaker, it’s my privilege to now recognize really the leader in this institution on human rights generally and most particularly on the issue of what has happened to the Tibetan people and to His Holiness the Dalai Lama, the Speaker of the House (Ms. PELosi).

Ms. PELosi. Mr. Speaker, I thank the gentleman for yielding. I thank him and Congresswoman ILEANA ROS-LEHTINEN for bringing this important legislation to the floor, not only in Congress, but in Ros-Lehtinen’s situation as the ranking member but as a cosponsor of the legislation.

Thank you, Mr. BERMAN, for carrying on a proud tradition of Mr. Lantos as ranking member on Foreign Affairs and then as chairman. He also served, as you know, as Chair of the Human Rights Task Caucus in the Congress of the United States.

It is with great sadness, Mr. Speaker, that I rise in support of this resolution. I so had wished decades ago that we wouldn’t be standing here now still pleading the case for the people of...
Tibet. I thank Rush Holt for giving us this opportunity again, with Congresswoman Ros-Lehtinen, sponsoring this legislation; Howard Berman, as I mentioned, the chairman; Frank Wolf, and Mr. McGovern, the co-Chairs of the Human Rights Caucus in the Congress carrying on a strong tradition. Jim McGovern’s carrying on that tradition.

But as Mr. Rohrabacher mentioned, and I see Mr. Smith there, we have been fighting this fight for a very long time.

My colleagues, going back a generation when the Dalai Lama first came to the Congress with his proposal for autonomy for Tibet, twenty years later we had the opportunity again, with President Bush as he presented the Congressional Gold Medal to His Holiness the Dalai Lama, in the words of the President, for his “many enduring and outstanding contributions to peace, nonviolence, human rights and religious understanding.”

Last year, as Mr. Holt mentioned, we had a congressional delegation that visited India, and we were able to meet with His Holiness. Tibet is either by coincidence or karma, took place only a matter of weeks after a protest that swept across the Tibetan plateau and the crackdown by the Chinese authorities.

So when we were in India, and seeing all of these people who were escaping from Tibet and prisoners who had been tortured in prisons in Tibet telling us their stories and suffering that was fresh and current and tragic, and we were hopeless and helpless in how we could help them in a very real way.

What we can do is put the moral authority of the Congress of the United States in the form of this resolution, with a broad bipartisan vote, down as a marker to say that we understand the situation there, that we encourage it to be different and, as Mr. Rohrabacher said, that we are on the side of the Tibetan people. But it shouldn’t be a question of taking sides, it should be a question of resolution, resolving a difference, and that’s what we hope the Chinese government will do.

Just on a lighter note, when we were there, in addition to visiting the prisoners, and those who had escaped over the mountains only a matter of days before, we visited the children in their schools. They had made flags that were Tibetan flags on one side and American flags on the other. They had flags of the country of India.

The children were so appreciative of the hospitality of India, so grateful to the American people for speaking out on behalf of them, and so proud of their Tibetan heritage. They are beautiful.

The preservation of the culture of Tibet is a very important part of our enthusiasm for change. But, as I say, on the lighter side, as we were traveling through the streets, our delegation, our bipartisan delegation with Mr. Rohrabacher, said that we, as the most senior Republican who came on the trip and was very powerful in his statements there, but as we were traveling through the roads, the roads were lined with people and they were waving American, Tibetan, Indian flags along the way.

One sign caught my eye. It said “Thank you for everything that you have done for us—so far.” So far. So, in any event, more is expected. More will come.

I told you about His Holiness’ speech and about his statement that he put out, and he called the situation there, the Tibetans who are in the depths of suffering and hardship, that they are literally experiencing hell on Earth.

Mr. Speaker, I would like to submit His Holiness’ statement for the RECORD.

The STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE FIFTIETH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING DAY

(Emargoed until 10th March, 9 a.m.)

Today is the fiftieth anniversary of the Tibetan people’s peaceful movement against Communist China’s repression in Tibet. Since last March, widespread peaceful protests have erupted across the whole of Tibet. Most of the participants were youths born and brought up after 1959, who have not seen or experienced a free Tibet. However, the fact that they were driven by a firm conviction to serve the cause of Tibet that has continued from generation to generation is indeed a matter of pride. It will serve as a source of inspiration for achieving the soul and international community’s will to take interest in the issue of Tibet. We pay tribute and offer our prayers for all those who died, were tortured and suffered, that during the crisis last year, as well as those who have suffered and died for the cause of Tibet since our struggle began.

Around 1949, Communist forces began to enter north-eastern areas (Kham and Amdo) and by 1950, more than 5000 Tibetan soldiers had been killed. Taking the prevailing situation into account, the Chinese government chose a policy of peaceful liberation, which in 1951, led to the signing of the 17-Point Agreement and its annexure. Since then, Tibet has come under the control of the Chinese government. However, the Agreement clearly mentions that Tibet’s distinct religion, culture and traditional values would be protected.

Between 1954 and 1955, I met with most of the senior Chinese leaders in the Communist Party, government and military, by and by Chairman Mao Zedong, in Beijing. When we discussed ways of achieving the social and economic development of Tibet, as well as maintaining Tibet’s religious and cultural heritage, Mao Zedong and all the other leaders agreed to establish a preparatory committee to pave the way for the implementa-

THE STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE FIFTIETH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING DAY

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Mr. Speaker, during the past decade, I have had the honor to serve as your Special Delegate for the 'Central Region', and with great pride and deep gratitude to the governments and peoples of the various host countries in which we live, I appeal to the international community to take growing interest in the suffering of the displaced people of Tibet.

Since 2001, we have instituted a system by which the political leadership of Tibetan exiles is directly elected through procedures similar to those in other democratic systems. Currently, the directly-elected Kalon Tripa’s (Chairperson) second term is underway. Consequently, my daily administrative responsibilities and my work towards the resolution of the issue of Tibet.

As a human being, my main commitment is to uphold my human values; this is what I consider the key factor for a happy life at the individual, family and community level. As a religious practitioner, my second commitment is to promote inner-and-outer religious harmony. My third commitment is of course due to my being a Tibetan with the name of ‘Dalai Lama’, but more importantly it is due to the trust that Tibetans both inside and outside Tibet have placed in me. These are the three important commitments, which I always keep in mind.

In addition to looking after the well being of the exiled Tibetan community, which they have done quite well, the principal task of the Central Tibetan Administration has been to work towards the resolution of the issue of Tibet. Having laid out the mutually beneficial Middle-Way policy in 1974, we were ready to respond to Deng Xiaoping when he spoke of the idea of self-government for Tibet. However, the Chinese authorities have not responded to our suggestions or to our request to imple- ment the principle of meaningful national regional autonomy for all Tibetans, as set forth in the constitution of the People’s Republic of China. From time immemorial, the Tibetan and Chinese peoples have been neighbours. In future too, we will have to live together.

During the Kuomintang period, and particularly since the occupation of Tibet, the Communist Chinese have been publishing distorted propaganda about Tibet and its people. Consequently, there are, among the Chinese populace, very few people who have comprehensively understood Tibet. It is, in fact, very difficult for them to find the truth. There are also ultra-leftist Chinese leaders who have, since last March, been unceasingly spreading lies about the intention of setting the Tibetan and Chinese peoples apart and creating animosity between them. Sadly, as a result, a negative impression of Tibetans has arisen in the minds of some of our Chinese brothers and sisters. Therefore, as I have repeatedly appealed before, I would like once again to urge our Chinese brothers and sisters to be swayed by such propaganda, but, instead, to try to discover the facts about Tibet impartially, so as to prevent divisions among us. Through such understanding, we should make every effort towards achieving a meaningful national regional autonomy for all Tibetans.

Looking back on 50 years in exile, we have witnessed many ups and downs. However, the fact that the Tibet issue is alive and the international community is taking growing interest in it is indeed an achievement. Seen from this perspective, we can say that the justice of Tibet’s cause will prevail, if we continue to tread the path of truth and non-violence.

In conclusion, 50 years in exile is, it is most important that we express our deep gratitude to the governments and peoples of the various host countries in which we live. Not only do we abide by the laws and regulations of these host countries, but we also conduct ourselves in a way that we become an asset to these
countries. Similarly, in our efforts to realise the cause of Tibet and uphold its religion and culture, we should craft our future vision and strategy by learning from our past experience.

I always say that we should hope for the best, and prepare for the worst. Whether we look at it from the global perspective or in the context of events in China, there are reasons for us to hope for a quick resolution of the issue of Tibet. However, we must also prepare ourselves well in case the Tibetan struggle goes on for a long time. For this, we must focus primarily on the education of our children and the nurturing of professionals in various fields. We should also raise awareness among our people and enhance our moral authority to talk about it in any international community, as well as the various Tibet Support Groups, for their unstinting support.

May all sentient beings live in peace and happiness.

THE DALAI LAMA.
10 March 2009.

I would also like to quote from the statement put out by the State Department last night. In part it says "We urge China to reconsider its policies in Tibet that have created tensions due to their negative impact on Tibet’s religion, culture, and livelihoods. We believe that substantive dialogue with the Dalai Lama’s representatives, consistent with the Dalai Lama’s commitment to disclaiming any intention to seek sovereignty or independence for Tibet, can lead to progress in bringing about solutions and can help achieve true and lasting stability in Tibet.”

I am very pleased with the statement from the State Department.

Mr. Speaker, the situation in Tibet challenges the conscience of the world. If freedom-loving people around the world do not speak out for human rights in China and Tibet, then we lose moral authority to talk about it in any other place in the world.

On the 15th anniversary of the Dalai Lama being forced into exile, we must heed his guidance and his transcendent message of peace, and we must never forget the people of Tibet in their ongoing struggle.

That is why I urge my colleagues to support this resolution and thank my colleagues for giving us this opportunity to do so today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 4 minutes to my good friend from New Jersey (Mr. SMITH), the ranking member on the Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. I thank the distinguished gentlemady for yielding and thank her for her leadership. I would especially like to thank Tom Lantos, our revered and great and hon-

orable former chairman of the committee who did pioneering work on Tibet and really helped bring the Dalai Lama here in the first place and made that very important connection many, many years ago.

Mr. Speaker. Ten years ago today the Tibetan people rose up against the tyranny that the Chinese communist party was imposing on it. The outnumbered Tibetans fought stubbornly but did not succeed in overthrowing the tyranny. The Chinese forces killed over 80,000 Tibetans, and the Dalai Lama had to leave Tibet to lead a government in exile.

But I think the Tibetans succeeded in doing something else 50 years ago. They put down a spiritual marker. They decided that, materially free or not, persecuted or not, the Tibetan people were going to remain Tibetan and were not going to forsake their religious heritage for the mess of ideological and silly nonsense the communists offered them.

They would preserve their spiritual freedom, even in the Laogai. And since 1959 every generation of Tibetans have taken up that fight and confirmed it. We cannot speak about 1959 without remembering 2008, when the Chinese government brutally crushed Tibetans’ largely peaceful marking of the 1959 uprising.

Last year Lodgy Gyari, his Holiness’ Special Envoy, told me and others on the Congressional Human Rights Caucus that Tibet had “become, particularly, in the last few weeks, in every sense an occupied and brutally occupied by Armed Forces.” This week, as our distinguished Speaker of the House just mentioned, the Dalai Lama has described the situation in Tibet as hell on Earth.

Shockingly and almost laughingly, the Chinese government shot back today and said Tibet is paradise on Earth. Well, it was, Mr. Speaker. Now it’s paradise lost.

Just as in 1959, last year the Chinese government ordered its soldiers and police to shoot. The death toll is well over 100. We don’t even have any idea how many were wounded, how many were left wounded or dying in attics and cells because they knew if they went to a hospital they would simply disappear into the Chinese Laogai.

As in 1959, last year the Chinese government subjected Tibetans to mass ar
tructions and put entire sections of cities house by house. Chinese officials admit to over 4,000 arrests. Even today, thousands of monks are still held under house arrest or lockdown.

Mr. Speaker, in 1959, I chaired a congressional hearing in which we heard from six survivors of the Laogai. One of them was Palden Gyatso, a Tibetan monk who spent 24 years in prison. When we invited him to come and speak, he brought with him some of the instruments of torture that are routinely employed and used in a horrific manner against men and women in Chinese concentration camps.

He told us that many people die of starvation. But when he brought those instruments, he couldn’t even bring them past our Capitol Police, they stopped him. I had to go down to the entrance and escort him through.

At the hearing, he held up those electric batons that are used in the mouth and elsewhere in order to provide electric shocks. And while he was giving his testimony, he broke down.

He held it up and said this is what went into my mouth, as a Buddhist monk, and into the mouths of other people, to shock and to deface. He has trouble swallowing to this day.

He told us about self-tightening handcuffs and held up his wrists and showed us the scars on his body. Not just on his wrists, but elsewhere as well. He told us how the guards pierce people with bayonets, and he also told us that every bit of this was routine and almost mundane.

Yet in the face of this, he and so many others like him persevered, and the Tibetan people at large continue on, keeping faith, including their admirable principle of nonviolence.

The SPEAKER pro tempore (Mr. Ross). The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I would like to yield an additional minute to the gentleman.

Mr. SMITH of New Jersey. I appreciate that.

They are determined to endure, Mr. Speaker, and to overcome hate with kindness and benevolence and charity.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank you, Mr. Chairman, for yielding to me.

Mr. Speaker, as a member of the Human Rights Commission, I am proud to rise today in support of this resolution on behalf of the people of Tibet.

I also want to thank the opportunity, because I just returned from the White House, where the President of the United States created a White House Council on Women and Girls and acknowledged the recent March 8 passage of International Women’s Day.

And while I was there, I am very grateful to you, Mr. Chairman and to the House of Representatives, for passing the resolution in support of International Women’s Day and would like to take this opportunity to speak to it for just a couple of minutes.

I want to thank Representative MARY FALLIN, the lead Republican co-sponsor of the Women’s Caucus, for her tireless support and work to bring this resolution to the floor. It’s been my pleasure to work with her on this bill, and I am sure it’s the first of many that we will work together through the caucus, where I am the Democratic co-chair, to add the words of the mouths of other women.

Also, I would like to acknowledge the caucus vice-Chairs, Representative GWEN MOORE, Representative KAY
GRANGER, and I am honored to have this resolution be the first of the must-pass legislative agenda items to make it to the House floor with such remarkable bipartisan support.

Each year countries around the world mark March 8 as International Women's Day to recognize the contributions and impact that women have made to our world's history, to recognize those women who have worked together for gender equality and to acknowledge the work that is yet to be done. Over the years, women have made significant strides.

All over the world and throughout history we have, they have consistently contributed to their economies, participated in their governments and improved the quality of life of their families and of their nations.

In 2007 Congresswoman NANCY PELOSI was elected the first woman Speaker of the U.S. House of Representatives. In 2006 I attended the inauguration of Michelle Bachelet, the first woman President of Chile, and visited the Liberian President, Ellen Johnson-Sirleaf, the first woman president in Africa's history.

In the 111th Congress, we have an all-time high of 74 women in Congress, a 56 percent increase from just 8 years ago. But women still only make up about 16 percent of the House of Representatives.

In the U.S., we have made significant strides in education. Women now graduate from high school at higher rates and earn bachelor's or higher degrees at greater rates than men.

While American women earn more high school and bachelor's degrees than men, two-thirds of the 876 million illiterate individuals in the world are women. Two-thirds of the 125 million school-age children not attending school worldwide are girls. Girls are less likely to complete school than boys elsewhere around the globe.

Women's progress in business and make up 12 percent of the current CEOs of the Fortune 500 companies, but, still, a long way to go.

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

Mr. BERMAN. I would be pleased to yield an additional minute to the gentlelady.

Ms. SCHAUKOWSKY. Globally, women work two-thirds of the world's working hours and produce half of the world's food, and still we earn only 1 percent of the world's income and own less than 1 percent of the world's property.

Of the 300 million people living in poverty, 70 percent are girls and women. Millions of women and girls are trafficked, physically abused, sexually abused, or once the threat of violence every day.

Although Congress passed the PROTECT Act to prevent trafficking in Iraq, Darfur, Afghanistan and many other places around the world, we still see that women and girls tend to be the targets of extreme violence, brutality, and intimidation.

So, Mr. Speaker, it's important that Congress recognize the importance of March 8. I am so glad that we passed this resolution. I am grateful to the Congress for recognizing International Women's Day, which we just celebrated on March 8.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield 3 minutes to a member of the Committee on Foreign Affairs—and they are all gentle people in South Carolina. The gentlelady from South Carolina (Mr. INGLIS.)

Mr. INGLIS. I thank the distinguished ranking member for that glowing recommendation of my great State. We are here today to recognize the plight of the Tibetan people. Several speakers have already mentioned incredible stories of the indomitable human spirit.

One story was told to me earlier today by a staff member who was visiting in China, and tells a story of going to a Tibetan temple where, during the Cultural Revolution, the people of that town took their food rations and the grain that would have been food for them and put it in a temple in order to protect it from desecration by the Chinese Communists. Many of those townspeople starved to death as a result of giving up those food rations.

That is a story of the indomitable power of belief and the tragedy that comes when nations try to defy that basic human right. So we are here today to celebrate the spirit of the Tibetan people and to call on the Communist Chinese to give greater political rights and economic opportunities and respect the dignity of the Tibetan people.

As we consider this resolution right now, the Chinese government has forbidden foreign journalists and tourists from entering Tibetan areas under their control. A massive crackdown is underway that involves beheaded-up paramilitary forces deployed throughout the area and a deliberate disruption of normal cell phone service to prevent reports from leaking out.

For all practical purposes, as we have heard here earlier today, Tibet is under an unofficial state of martial law, 50 years after the Dalai Lama fled into exile. From March 2008 to June 2008, Chinese authorities detained more than 4,400 Tibetans for allegedly rioting, the vast majority of whom are known to have engaged in peaceful protests.

A Tibetan NGO reported that a total of more than 65,000 Tibetans have been detained in 2008, and over a thousand of whose whereabouts and well-being remains unknown, many of whom are monks and nuns.

According to an August 21 report from the Wall Street Journal, at least 218 Tibetans died between March and June of 2008 as a result of the Chinese police using lethal force against protesters or from severe abuse, including torture while in detention.

Mr. Speaker, we in this Congress should rise in unanimous support of the people of Tibet and present a unified force of the Congress and the administration to unambiguously condemn the Chinese government's ongoing crackdown in Tibet. We must also convey a clear and consistent message to Beijing that says this: Progress in talks with the Dalai Lama and bringing meaningful autonomy to Tibet is an essential benchmark that China must meet in order to advance relations with the United States.

I thank the gentlelady for yielding.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the chairman of the Human Rights Commission, the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Thank you. Mr. Speaker. I rise today in support of this important resolution, and I want to thank my friend, Congressman RUSH HOLT, Speaker NANCY PELOSI, and the chairman and ranking member of the House Foreign Affairs Committee for their leadership in the long struggle for freedom, dignity, and human rights in Tibet.

Mr. Speaker, for six decades the history of Tibet has been marked by violence. Even before 1949, the People's Liberation Army of China entered the eastern areas of Tibet during the Long March. In 1969, they finally occupied the capital of Lhasa.

Fifty years ago, on March 10, the Tibetan people rose up in Lhasa against Chinese rule. The backlash was furious and brutal. On March 17, the Dalai Lama fled Lhasa for his own safety, joined by some 80,000 Tibetans, for life in exile. Tens of thousands who remained were killed or imprisoned.

Thanks to the thriving exile communities in India, Europe, and the United States, Tibetan cultural identity, language, and religion have survived. They have focused world attention on the Tibetan struggle. But each and every year, the situation inside Tibet grows worse, with more repression, more arrests, more displacement, more deliberate destruction of the Tibetan language, culture, and religion.

One year ago, new protests rose up in Tibet. They were the result of greater over religious and cultural activity, development that mainly benefited Chinese migrants, and forced resettlement of farmers and nomads. Thousands and thousands were arrested. To date, there has been no full accounting by Chinese authorities of those arrested, detained, tried, sentenced, or released, and no access to those detained by the International Committee of the Red Cross or other international observers, and all the time the Tibetan people daily suffer more of a minority in their own land.

Mr. Speaker, as the new cochair of the Tom Lantos Human Rights Commission, it is humbling to follow in the
footsteps of Thomas Lantos, The Congressional Human Rights Caucus, which he founded, was the very first to give the Dalai Lama a voice on Capitol Hill in 1987.

On this 50th anniversary, let’s be very clear: the American people in this House stand with His Holiness and we will not rest until meaningful and full autonomy for the Tibetan people is achieved—and the Dalai Lama and his people can fulfill their dream of returning home to Tibet.

I thank the chairman of the Foreign Affairs Committee for generously giving me this time.

Mr. Speaker, I rise today in strong support of this important resolution, which recognizes the plight of the Tibetan people on the 50th Anniversary of His Holiness the Dalai Lama’s exile and calls for a sustained multilateral effort toward a peaceful solution to the Tibetan issue. I thank my friend Rush Holt, and the distinguished Frank Wolf, for their leadership on human rights and for bringing this resolution expeditiously to the floor.

Mr. Speaker, last Friday my friend and distinguished colleague, Frank Wolf and I were formally reappointed Co-Chairs of the Tom Lantos Human Rights Commission, the successor body of the Congressional Human Rights Caucus, which I had the honor to co-chair with Frank Wolf after our former colleague Tom Lantos passed away.

I mention this because of the historic significance of the Congressional Human Rights Caucus in getting the voice of the Tibetan people heard in the United States.

In 1987, it was Congressman Tom Lantos who had invited His Holiness the Dalai Lama to attend a meeting of the Congressional Human Rights Caucus as the first official government entity in the United States, despite stiff opposition from many quarters of the U.S. Administration to do so. Many were fearful what such an invitation would do to our bilateral relations with the People’s Republic of China, and the PRC used every conceivable tool to prevent this historic meeting from happening.

Those voices of those critics in the United States soon fell quiet after the meeting took place, as the moral authority of His Holiness and his persistently peaceful way to fight for meaningful autonomy of the Tibetan people attracted more and more support and with the American people and in Congress.

Twenty years later, it was this body that awarded His Holiness the Congressional Gold Medal in recognition of his life-long dedication to the values of democracy and non-violent resolution to the Tibetan issue.

Mr. Speaker, the history of Tibet has long been marked by violence. Even before 1949, the People’s Liberation Army of China entered the eastern areas of the traditional Tibetan territory Lhasa. In 1951, they finally occupied the Tibetan capital of Lhasa.

On this day fifty years ago, the Tibetan people rose up in Lhasa against Chinese rule, and the backlash was furious and brutal. As a consequence, His Holiness the Dalai Lama fled Lhasa on March 17, 1959, for his own safety. He was joined by some 80,000 Tibetans in exile. Tens of thousands of Tibetans who remained were either killed or imprisoned.

The human rights situation became so dire that in 1959, 1961 and 1965 (before China became a member of the United Nations), the UN General Assembly passed resolutions condemning the human rights violations in Tibet and affirming Tibetans’ right to self-determination.

Supported by thriving exile communities in India, the United States, Europe, Tibetan cultural identity, language and religion has survived and the world is paying attention to the Tibetan struggle.

In 2002 Congress passed the Tibetan Policy Act, the centrepiece of U.S. policy toward Tibet. The legislation codified the position of Special Coordinator for Tibetan Issues in our State Department, to ensure that U.S. policy promotes a dialogue between the Chinese government and the representatives of the Dalai Lama, and that its policies must remain the cornerstone of our policy regarding Tibet also under this Administration.

The policy of the United States Government has to be to continue promoting substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives to resolve peacefully the dispute and to allow for the return of the Dalai Lama.

However, the United States cannot stand as a mere neutral facilitator in this dialogue, when the Chinese government time and time again uses these proceedings to hold out hope, only to drag out negotiations with His Holiness without ever making any progress or without ever achieving any concrete results. All this, while the Tibetan people become a minority in their own territory because of government-controlled migration, and the Tibetan culture is further eroded.

We cannot stand by neutrally, when the Chinese government kidnaps a six-year-old child, Gedhun Choekyi Nyima, whom His Holiness has recognized as Panchen Lama, and allow the Chinese government to replace him with a more convenient Panchen Lama of their own choice.

On this 50th anniversary, let’s be very clear that the American people and this Congress will stand unswervingly with His Holiness in this peaceful endeavors, and will not rest until meaningful autonomy for the Tibetan people is achieved, and His Holiness can fulfill his dream of returning to Tibet.

Mr. Speaker, Tom Lantos’ voice has fallen silent, but we cannot let our voices to fall silent too. We always need to speak out for the Tibetan people.

(From the Boston Globe, Mar. 10, 2009)

SAD ANNIVERSARIES IN TIBET

The authorities in Beijing are nervous today, fearful that remembrance of things past will incite new disorder. They have good reason: On this date two tragic anniversaries are commemorated. The massacres of Chinese troops perpetrated 50 years ago, killing 86,000 Tibetans, to crush a Tibetan revolt against harsh Chinese rule. And March 10 is also this year’s one-year anniversary of China’s violent crackdown on Tibetans protesting for cultural and religious freedom.

China’s attempts to expunge Tibet’s separate identity casts doubt on Beijing’s claim to be a rising power with benign intentions. There is a whiff of colonialism in China’s treatment of Tibet and Tibetans.

Chinese policy not content to deny Tibet’s distinct identity. They demean the ethical and spiritual values of Tibetan Buddhism, and they refuse to grant Tibetans even the limited autonomy proposed by their leader-in-exile, the Dalai Lama. The core objective of Beijing’s Tibet policy is to subdue the Tibetan population under waves of Han Chinese migrants who receive special incentives to settle in Tibetan areas.

China’s biased demographic smothering of Tibetans in their homeland, it is no wonder that Chinese officials feel compelled to lie, brazenly, about the temporary program for reconciliation proposed by the Dalai Lama. In talks last fall with Chinese representatives, the Dalai Lama’s envoys presented 11 proposals for limited Tibetan autonomy which Chinese refusals to discuss a single one of the 11 ideas, pretending that all 11 were thinly disguised demands for independence.

Beijing takes this rigid position—rejecting the transparent falsehood that the Dalai Lama really wants political independence for Tibet—because Chinese policy is to make no concessions to the Tibetan government-in-exile and instead to wait for the spiritual leader of Tibetan Buddhists to die. The Gavew priso. This is that Tibetan resistance to Chinese dominance will evaporate after the Dalai Lama is gone. But as the clashes last March in Tibetan regions demonstrated, younger Tibetans are likely to be less patient, and less devoted to nonviolence, than the Dalai Lama and his government-in-exile in Dharamsala, India.

China’s rulers are determined to have the chance to come to terms with the Dalai Lama on autonomy within China. Few other governments confronting op- pressive ethnic or religious groups have been so lucky.

President Obama should appoint a special envoy for Tibet, someone who can help China’s leaders see that it is in their own interest to give Tibetans the cultural and religious autonomy the Dalai Lama has proposed.

Ms. ROS-LEHTINEN. To wrap up our side of the aisle on this important resolution, I yield such time as he may consume to the co-Chair of the Tom Lantos Congressional Human Rights Commission, Mr. Tom Wolf, and to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I want to thank the ranking member and also the chairman for their leadership on this issue, and also thank Speaker Pelosi for her comments today and for her comments that she made yesterday.

In August of 1997, I traveled to Tibet, making it known to no one that I was a Member of Congress. I spoke to Buddhist monks and nuns on the street and in monasteries who have been brutally tortured in the infamous Drapchi prison. We drove by the Drapchi prison and they told us of the torture of pulling out fingernails and everything else, not simply for professing allegiance to the Dalai Lama.

The Chinese government sends Tibetan children to China for education to learn Chinese ways. The Chinese government forbids faithful Buddhists from displaying placards with the Dalai Lama. There was one person in a Buddhist monastery who showed me the picture and then put it away quickly.

What the Chinese government is doing to Tibet is cultural genocide—and I hope the foresight of who’s in town today, hears it. It is cultural genocide—systematically destroying the fabric of the Tibetan society.
March 11, 2009

CONGRESSIONAL RECORD—HOUSE

H3315

Last March, the Tibetan people took to the streets to protest the iron-fisted rule of the Chinese government over Tibet; a harsh crackdown, violent repression, and a year later, 1,200 Tibetans remain unaccounted for. Where are they? Let’s ask the foreign minister when he goes to the State Department, Where are they?

For over a decade, the United States has asked China for a consulate in Lhasa, the capital of Tibet, and China has refused. Let’s continue to allow the Chinese government to build new consulates across the United States. We should not allow China to build any new consulates in the United States until China allows the U.S. to build a consulate in Lhasa, period, end of story.

It is with a heavy heart that we commemorate the Dalai Lama’s flight to Dharamsala. I believe one day we will stand here—and, if this debate had not taken place before, Tom Lantos would be here, whereby people would give Tom Lantos the credit for leading the effort whereby Tibet will be, basically—not basically, but Tibet will be free.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 226, recognizing the Tibetan People on the anniversary of the Dalai Lama’s exile. As a member of the House Committee on Foreign Affairs I am pleased to join my colleague Rush Holt in his sponsorship of this important resolution. As we move to engage the government in Beijing I would only hope that the United States’ foreign policy once again becomes a policy of peace and goodwill and not a harbinger to international hostility.

It is no accident that the first foreign trip of our new Secretary of State Hillary Clinton, was to Asia. China is integral to the re-establishment of American foreign policy in Asia. As we engage the Chinese it is important that we address human rights issues as well. The Dalai Lama has emerged on the international scene as a force for human rights around the world. He has exhibited a grace and sense of compassion throughout the strife that has beset his homeland.

For more than 2,000 years Tibet maintained a sovereign national identity distinct from the national identity of China. In 1949, however, Chinese troops invaded and occupied Tibet and have remained ever since.

According to the State Department and numerous international human rights organizations, the Chinese government continues to commit widespread and well-documented human rights abuses in both China and Tibet. China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms. We urge the Chinese government to seek conciliation with its many different groups, as opposed to employing further government restrictions.

In addition, while China is a signatory to the International Covenant on Civil and Political Rights, the United Nations Convention Relating to the Status of Refugees, and the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, in practice, the Chinese government has often not followed the treaties.

March 10th marks the 50th anniversary of an uprising against Chinese rule by the Tibetan people—an uprising that forced the 14th Dalai Lama into exile in India. On the anniversary last year, Tibetan Buddhist monks and nuns in and around Lhasa were blocked by Chinese authorities from staging demonstrations and were met with force by the Chinese authorities. Protests then spread inside the Tibet Autonomous Region and other Tibetan areas of China.

Over the years, talks between envoys of the Dalai Lama and representatives of the Chinese government have failed to achieve any concrete and substantive results.

This resolution recognizes the Tibetan people for their perseverance and endurance in face of hardship and adversity in Tibet and for creating a vibrant and democratic community in exile that sustains the Tibetan identity.

The measure recognizes the government and people of India for their generosity toward the Tibetan refugee population for the last 50 years. It calls upon the Chinese government to respect the Tibetans’ identity and the human rights of the Tibetan people. Mr. Speaker, we must continue to engage the government in Beijing at all levels and Tibet must be at the top of the list. Again, I wish to thank my colleagues for their work on this matter.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

Mr. BERNER. Mr. Speaker, I yield back the balance of my time, and urge a ‘yea’ vote.

The SPEAKER pro tempore. The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 5, as follows:

YEAS—422

Abercrombie            Abernathy            Ackerman            Ackerman
Achallash            Adler (NJ)            Akin            Alcorn            Andre
Aurora            Ayotte            Bachman            Bachus            Baird
Bailey            Baldwin            Barrett (SC)            Barrow            Bartlett
Barton (TX)            Bean            Becerra            Becerra            Berman
Berenbach            Berry            Berner            Bertii            Bilirakis
Bilirakis            Bishop (GA)            Bishop (NY)            Bishop (UT)            Blackburn
Blumenauer            Blunt            Boccieri            Boehner            Bonder
Bono Mack            Boozman            Boren            Borris            Boswell
Boucher            Boucher (Alaska)            Boyd            Brady (FL)            Bray (TX)
Brown (GA)            Brown (SC)            Brown, Corrine (GA)            Brown-Waite, Ginny            Buchanan
Buchanan            Burges            Burton (IN)            Burtonfield            Buyer
Camp            Campbell            Carter            Case            Capito
Capps            Capuano            Carnahan            Carney            Carstensen
Cardenas            Carter            Castillo            Castor (FL)            Chauncey
Chaffetz            Chang
Chen
Chesley            Chisholm            Chisholm (NC)            Chisholm (TX)            Chinot
Cirilo            Cleaver            Clyburn            Coelho            Coffman (CO)
Coelho            Cole            Conaway            Connolly (VA)            Connolly (NY)
Conyers            Cooper            Costa            Cotler            Coutee
Cox            Crank            Cresap            Crowley            Cuellar
Cullenson            Cummings            Culmsee            Danforth            Dargan
Dallamper            Davis (AL)            Davis (AZ)            Davis (KY)            Davis (TN)
Deal (GA)            DeFazio            DeGette            DeLauro            Dent
Diaz-Balart, M.            Diaz-Balart, L.            DiStefano            DiStefano (NY)            Dicks
Dingell            Doggett            Donnelly (IN)            Doyle            Dreier
Driehaus            Duncan (NY)            Edwards (MD)            Edwards (TX)            Ehlers
Eliot            Ellison            Ellesworth

Ernst            Emerson            Engel            Ehlen            Eledge
Ehlers            Fallin            Farr            Farr         Patterson
Fassnacht            Filner            Flake            Fleming            Forbes
Forbes            Foster            Foxx            Frank (MA)            Frank (AZ)
Frelinghuysen            French            Fudge            Gallegly            Garrett (NJ)
Gehl                                    Gilman            Giffords            Gingrey (GA)
Goldblatt            Goodlatte            Gordon (TN)            Granger            Granger
Grayson            Green, Al            Green, Gene            Griffith            Grijalva
Guthrie            Gutierrez            Hall (TX)            Halloran            Hare
Harman            Harper            Hastings (FL)            Hastings (WA)            Heinrich
Heller            Hensarling            Herser            Herseth Sandlin            Higgins
Hill            Himes            Hincher            Hinshaw            Hino
Hino            Hines            Hino            Holcomb            Holden
Holden            Holt            Honda            Royer

Nays—0

Mr. BERMAN. Mr. Speaker, on that I yield the balance of my time.

The SPEAKER pro tempore. The measure recognizes the government of India for its continual effort consistent with the Tibetan Policy Act of 2002, that employs diplomatic, programmatic, and multilateral resources to press the Chinese government to respect the Tibetans’ identity and the human rights of the Tibetan people. Mr. Speaker, we must continue to engage the government in Beijing at all levels and Tibet must be at the top of the list. Again, I wish to thank my colleagues for their work on this matter.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time, and urge a ‘yea’ vote.

The SPEAKER pro tempore. The yeas and nays were ordered.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 5, as follows:

[Roll No. 119]

YEAR OF THE MILITARY FAMILY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 5, as follows:

[Roll No. 119]
Messrs. MANZULLO and KIRK changed their votes from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. BRALEY of Iowa. Mr. Speaker, on roll-call No. 119, I was unavoidably detained. Had I been present, I would have voted "aye."

CALLING FOR RETURN OF SEAN GOLDMAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 125, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Boll No. 120]

**YEAS—418**

Abercrombie of Hawaii—yea.
Acker of California—yea.
Aderholt of Alabama—yea.
Akin of Georgia—yea.
Allred of Texas—yea.
Altmire of Pennsylvania—yea.
Andrew of New York—yea.
Arcuri of New York—yea.
Baer of Illinois—yea.
Baca of California—yea.
Bachmann of Minnesota—yea.
Baird of Indiana—yea.
Baldwin of Wisconsin—yea.
Barrow of Georgia—yea.
Beaumier of Wisconsin—yea.
Becker of Iowa—yea.
Begay of New Mexico—yea.
Bell of Tennessee—yea.
Bentley of Alabama—yea.
Beverly of South Carolina—yea.
Bianchi of Pennsylvania—yea.
Bilbray of California—yea.
Bishop of Georgia—yea.
Bisson—yea.
Blackburn of Tennessee—yea.
Blumenauer of Oregon—yea.
Boccieri of New York—yea.
Bono of California—yea.
Bouchard of Louisiana—yea.
Boucher of Vermont—yea.
Boyd of Idaho—yea.
Bradley of Virginia—yea.
Brady of Ohio—yea.
Braley of Iowa—yea.
Brown of South Carolina—yea.
Brown of Wisconsin—yea.
Brown-Waite of Florida—yea.
Buchanan—yea.
Burgoon of Iowa—yea.
Burt of Idaho—yea.
Burr of North Carolina—yea.
Calder of New York—yea.
Campbell of Missouri—yea.
Cantor of New York—yea.
Cao of California—yea.
Chestnut of Virginia—yea.
Chu of California—yea.
Cline of Ohio—yea.
Clark of Kansas—yea.
Clay of Kentucky—yea.
Clay of Indiana—yea.
Clark of New Mexico—yea.
Claytor of Virginia—yea.
Clementz of New Jersey—yea.
Colburn of Oregon—yea.
Conyers of Michigan—yea.
Congleton of Pennsylvania—yea.
Coppersmith of Texas—yea.
Corbett of Pennsylvania—yea.
Cotlar of California—yea.
Costello of New Jersey—yea.
Courtesty of Alabama—yea.
Crawford of California—yea.
Crowley of New York—yea.
Cullerton of Illinois—yea.
Cummings of South Carolina—yea.
Darling of Indiana—yea.
Davis of Colorado—yea.
Davis of Maryland—yea.
Davis of Massachusetts—yea.
Davis of Minnesota—yea.
Davis of North Carolina—yea.
Davis of Tennessee—yea.
Day of Michigan—yea.
DeFazio of Illinois—yea.
DeGette of Colorado—yea.
DeLaney of Colorado—yea.
DeLauro of Connecticut—yea.
Dent of Missouri—yea.
Diaz-Balart of Florida—yea.
Dicks of Washington—yea.
Diggs of Texas—yea.
Dingell of Michigan—yea.
Dingell of Michigan (MI)—yea.
Dixon of Illinois—yea.
Dole of South Carolina—yea.
Dorgan of South Dakota—yea.
Doyle of Pennsylvania—yea.
Duncan of South Carolina—yea.
Duncan of Texas—yea.
Duncan of Utah—yea.
Duncan of Virginia—yea.
Duncan of Wisconsin—yea.
Duncan of Wyoming—yea.
Duncan of Alabama—yea.
Duncan of Massachusetts—yea.
Duncan of Nebraska—yea.
Duncan of North Carolina—yea.
Duncan of Texas—yea.
Duncan of Utah—yea.
Duncan of Wyoming—yea.
Duncan of Wisconsin—yea.
Duncan of South Carolina—yea.
Duncan of Massachusetts—yea.
Duncan of Nebraska—yea.
Duncan of North Carolina—yea.
Duncan of Texas—yea.
Duncan of Utah—yea.
Duncan of Wyoming—yea.
Duncan of Wisconsin—yea.
Duncan of South Carolina—yea.
Duncan of Massachusetts—yea.
Duncan of Nebraska—yea.
Duncan of North Carolina—yea.
Duncan of Texas—yea.
Duncan of Utah—yea.
Duncan of Wyoming—yea.
Duncan of Wisconsin—yea.
Duncan of South Carolina—yea.
Duncan of Massachusetts—yea.
Duncan of Nebraska—yea.
Duncan of North Carolina—yea.
Duncan of Texas—yea.
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Duncan of Wyoming—yea.
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Duncan of North Carolina—yea.
Duncan of Texas—yea.
Duncan of Utah—yea.
Duncan of Wyoming—yea.
Duncan of Wisconsin—yea.
Duncan of South Carolina—yea.
Duncan of Massachusetts—yea.
Duncan of Nebraska—yea.
Duncan of North Carolina—yea.
So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded. The title was amended so as to read: “Calling on Brazil in accordance with its obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction to obtain, as a matter of extreme urgency, the return of Sean Goldman to his father David Goldman in the United States; urging the governments of all countries that are partners with the United States to the Hague Convention to fulfill their obligations to return abducted children to the United States; and recommending that all other nations, including Japan, that have unresolved international child abduction cases join the Hague Convention and establish procedures to promptly and equitably address the tragedy of international child abductions.” A motion to reconsider was waived. The motion to suspend the calendar was adopted. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 226. This will be a 5-minute vote. The vote on the resolution, H. Res. 226, on which the yeas and nays were ordered. The Clerk read the title of the resolution. The SPEAKER pro tempore. The motion to suspend the rules and agree to the resolution, H. Res. 226, is agreed to. The SPEAKER pro tempore (Mr. FIMEG) announced the vote was agreed to.
It is important that we join together to protect and enhance the natural, cultural and historical resources which are integral to the identity of America.

HONORING SAM HOGLE
(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize one of my constituents, Sam Hogle from Marietta, Georgia, for achieving the highest honor for a Boy Scout, the rank of Eagle Scout.

As a Boy Scout myself, I know that achieving this rank is a significant moment in the life of any young man. However, in Sam's case, the accomplishment is even more inspiring because Sam was born blind. This circumstance could have added a significant obstacle to his goal of becoming an Eagle Scout. However, Sam would not let it get in his way, calling his blindness an inconvenience, but not a disability that could keep him from achieving his dream.

Armed with this positive attitude and incredible determination, Sam has become an excellent student, an Eagle Scout, and an asset to his community.

Sam's Eagle Scout project shows exactly what kind of young man he is. For his project, Sam planned, raised the funds, and led a campout for visually impaired boys. He wanted these boys to learn that they could also enjoy the outdoors and experience the same kind of fun and learning that he has by being a Boy Scout.

For many of these middle school boys, it is their first campout. Sam's campout was extremely successful. The boys had a wonderful, wonderful time. I ask the members of Congress to join me in congratulating Sam Hogle on achieving the rank of Eagle Scout.

HONORING GEORGE W. "BOB" GILL
(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor the life of George W. "Bob" Gill, an extraordinary resident of my congressional district who helped build Fort Lauderdale into the world-renowned tourism destination it is today.

Tourism is the economic engine of south Florida, and Mr. Gill was a pioneer in the field. After opening six area hotels over 60 years, he even earned the nickname "the Dean of Fort Lauderdale tourism." Mr. Gill had a knack for marketing and a sharp business sense. His hotels bring in visitors and allow northerners to enjoy Fort Lauderdale's beautiful beaches. He created some of the most iconic hotels in south Florida, including the Yankee Clipper and the Jolly Roger, the first hotels in the area to offer air-conditioning way back in 1952.

Mr. Speaker, Mr. Gill lived a long and rich life, passing away last week at the age of 93. Our thoughts and prayers are with his daughter Linda and all the friends and family that Mr. Gill left behind. He left an enduring legacy on south Florida, and Mr. Gill will be missed.

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SALVADORAN PRESIDENTIAL ELECTIONS
(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, the Salvadoran presidential elections will be held on March 15. If the FMLN wins the election, it would be devastating for the people of El Salvador as well as for the relationship between our two countries.

FMLN party leadership is expected to follow the anti-U.S. agenda of Venezuela's radical president, Hugo Chavez, and join Cuba in a pro-Chavez, pro-Cuba, pro-Iraq axis. Moreover, Mr. Speaker, the FMLN is a pro-terrorist party with direct ties to sponsors of terror. After the 9/11 attacks, they marched in their capital city to celebrate the attack by al Qaeda, and they burned the American flag. The leader of that march was Salvador Sanchez Ceren, who is now the FMLN's candidate for vice president.

Mr. Speaker, should the pro-terrorist FMLN party replace the current government in El Salvador, the United States would be responsible for re-evaluating our policy toward El Salvador, including cash remittance and immigration policies, to compensate for the fact there will no longer be a reliable counter-part in the Salvadoran government.

It is my hope that the El Salvadoran people continue the history of a positive relationship between our two countries and ensure that they elect pro-freedom, pro-peace, life-loving officials to their government.

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.

INTERNATIONAL WOMEN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this month, men, women and children came together to celebrate International Women's Day. Since 1909, government civic groups and local communities have taken time to reflect on the role of women and the unique challenges that we face.

This year, the women of Iraq find themselves still facing hard odds, great odds, even with the decline in violence. Many women still are displaced from their homes, from their employment, and their communities. Their children still lack the basic necessities of clean water, electricity, health care, and access to education. Every day is an act of heroism for those women.

All too often, the role of women is ignored or undervalued. Fortunately, our new Secretary of State, Hillary Rodham Clinton, has placed a high priority on women's participation at all levels of decision-making. The Secretary has selected eight outstanding women to be honored as recipients of the International Women of Courage Award. This is the only award within the Department of State that pays tribute to outstanding women leaders worldwide. It recognizes the courage and leadership shown as they struggle for social justice and for human rights.

One of these women is an exceptional Iraqi woman, Suaad Allami. Ms. Allami is a prominent lawyer who fights against the erosion of women's rights and defends the most disadvantaged. She founded the NGO Women for Progress and the Women's Center, which offers free medical care, literacy education, vocational training, and legislative advocacy. Few of us, Mr. Speaker, can imagine the indescribable challenges of women in her position.

U.S. diplomatic and military officials have lauded her for many things, including her bravery. And they always point to her work outside the Green Zone. The State Department actually pointed to one shining example of her work: When Ms. Allami learned about the extent of alleged human rights abuses at Kadhamiya Women's Prison, she boldly conducted an unannounced
inspection, CNN crew in tow, without regard for the potential for backlash against herself. The Minister for Human Rights shut the prison down 2 months later.

I am pleased that the State Department and Clinton courted out Ms. Allamiri for her work. My only wish is that more women, whose bravery occurs every single day, hour by hour, through their acts of courage and just living in Iraq, would receive the same recognition.

The women of Iraq have shown amazing strength and courage. I hope that with the redeployment of our troops and military contractors, all Iraqis will have the hope and security of a prosperous new future.

**BORDER WAR CONTINUES**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I bring you news from the second front; that is, the border between the United States and Mexico.

This past weekend, I was the guest of two of our border sheriffs in Texas, Sheriff Oscar Carrillo from Culberson County, Texas, and Sheriff Arvin West from Hudspeth County, Texas. These two massive counties are the size of the United States. They are two counties just east of El Paso County.

I was there to see the situation on the Texas-Mexico border firsthand from the people who help protect the border, and that is the border sheriffs, along with the Border Patrol. Smugglers that are coming across from Mexico, bringing in drugs, are relentless in their endeavors to bring narcotics into the United States.

The cross-border travelers that are captured in these two counties, most of the people in the county jails, are these foreign nationals bringing drugs or committing other crimes. Let me make this clear: Most of the people in these two county jails are foreigners that have committed felonies or misdemeanors in the United States. In fact, Arvin West told me that if he didn’t have cross-border travelers in his county jail, he wouldn’t need a jail, except one cell for one person. There are only one or two in the country that are foreign nationals. So that’s how bad the problem is continuing to be.

The drug cartel are smugglers, Mr. Speaker. They smuggle into the United States not only drugs, but people. It is all intertwined. And all because of money, they are bringing those individuals and those drugs into the country. But also, they smuggle back to Mexico two commodities, and the two commodities they smuggle are guns and money. Those are the two in the smuggling business. They are very well organized.

Sara Carter, from the Washington Times, reports that the drug cartels have in their employment over 100,000 foot soldiers; that’s just a little bit less than the entire Mexican Army. They have better vehicles, they have better weaponry, and they have a whole lot more money than our border protectors do on this side. They have gotten so slick and sophisticated now that they don’t let any drugs come into the United States unless they’re tracked by GPS devices.

The drug runners are committed—it’s almost a religion to them—to bring drugs into the United States. Let me give you an example of that.

I understand now, after being down on the border, the sheriffs were telling me that the drug runners pray to a narco saint—that’s right—Jesus Malverde. He was an individual that died in 1909. He was supposed to be a Mexican national that helped the poor, et cetera. But now there are shrines in different parts of Mexico where these drug runners in the drug cartels pray to this individual for safety in crossing the border from Mexico into the United States so they can bring drugs. He’s supposed to be the patron saint of travelers—I thought it was St. Christopher. But be that as it may, it shows how relentless these people are. Now, just to clarify, the Catholic Church says Jesus Malverde is not a saint, has never been, and never will be. But it shows you that it is a religion to these people to bring drugs and other people into the country.

But there is also good news from the border. The border county sheriffs, the 20 county sheriffs in Texas, have put up cameras along the border, and those cameras are tied to the Internet. And so a person can log on to a Web site called blueservo.net, and they can actually see these cameras and they can track people coming into the United States. They have had over 43,000 people log in just since this thing started a few weeks ago, and they are as far away as Australia. An Australian was watching it, and he sent an e-mail to the head of this association and said, hey mate, we’ve been watching your border from Australia and trying to help out you guys.

So, what is occurring is, if somebody sees traffic—drug smugglers, illegals, whatever—coming into the United States, they have a Web site, an e-mail, and they can e-mail the border sheriff in that county, and either the sheriffs or the public go out and arrest the bad guys coming into the country. Just as this has started, four major drug busts have occurred, and 30 incidents where illegal crossers were coming in were repelled and they went back across the border. Of course the cynics in the open-border crowd are against this; they’re against anything that seems to work.

I want to commend the Border Sheriffs Coalition, the 20 of them, especially Oscar Carrillo, Arvin West and Sigifredo Gonzalez, because they are doing a job that is a thankless job, but it is important to protect the integrity of the United States.

And what we need to do is to help them by putting more people, more boots on the ground, more Border Patrol, more sheriff’s deputies, and even the National Guard, if necessary, to help them.

So today we had a hearing on this. And during that hearing we asked...
questions about where the money was allocated and who got it and what they did with it. And we found out some very interesting things. Eight billion dollars was loaned from the TARP money to Citigroup—they got a lot more than that. I think they got about $35 or $40 billion. Citigroup then loaned $8 billion from the TARP funds to Dubai. Dubai is one of the wealthiest countries in the world, and their public sector borrowed $8 billion from Citigroup, here in the United States, that just got just over $30 or over $40 billion from the taxpayers in the TARP funds. And that just made my hair stand on end. Why would the taxpayers in this country want to give money to Citigroup and then have them turn right around and loan it to Dubai, halfway around the world, which is a very wealthy country? One billion dollars was invested by the J.P. Morgan Treasury Services in development of cash management and trade finance solutions in India. There’s another billion, another $1 billion dollars that J.P. Morgan took from the American taxpayer in the TARP funds and then loaned it to an organization called Trade Finance Solutions in India.

And then $7 billion was invested by the Bank of America in the China Construction Bank Corporation. Now, China has quite a bit of our money already and quite a bit of our business, and I don’t know why in the world American taxpayers should be having their money given or loaned to the China Construction Bank Corporation. Now, this is $700 billion that was put into the TARP fund. Of the $700 billion, there are only about eight or nine places that we know where the money went. There are 297 places that are unaccounted for. We had a hearing today to try to find out where the money went and what it went for, and we couldn’t find it, but we know that there are 297 areas where we don’t have any idea what the money was used for or where it went.

In addition to that, we had other expenses or places where we put our money. We put $14 billion into the auto bailout, and there’s going to be another $30 billion, before this is over. We had $780 billion, I believe it was, that went into the account that was supposed to stimulate the economy, the stimulus bill, and that is almost another trillion dollars. We passed a $410 billion supplemental yesterday, and we’re going to pass a $3.6 trillion budget before too long that’s going to include 660 some billion dollars for a new socialized national health care program.

The reason I bring all this up, my colleagues, is because I think the American people and my colleagues ought to know that we are spending trillions of dollars of taxpayers’ money, and in many, many cases we don’t have a clue where it went. And I think that this government and this administration and the Congress should demand, demand, that the TARP funds and all the other funds that are being expended by the taxpayer to take care of these financial institutions that are leading our economy above water and to help bail out homeowners who are losing their homes ought to be accounted for. Most of that money so far, as far as I can tell, isn’t doing anything to stimulate economic growth or to help the homeowners or the financial institutions to solve this problem.

And in addition to that, the Secretary of the Treasury, Mr. Geithner, said that they’re going to have to put another $2 to $3 trillion into the financial institutions to keep them buoyed up and survivable.

Now, just add all that together in your mind and you’re looking at $5 or $6 or $7 trillion, and that money is not there. We’re going to have to print it. It’s going to be passed on to our kids in the form of inflation. We need to have an accounting.

The SPEAKER pro tempore (Mr. DRENAUS). Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

OUR HEALTH CARE FINANCING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, our health care financing system in America is by far the best health care system in the world, but the financing system is going to degrade, and it’s going to wreck the quality of health care if we don’t do something about it.

I come before you this evening and talk about this issue that is of vital importance to everyone in this body and every American, and that is health care.

The new administration has stated that health care reform is going to be their top priority for the rest of this year, and I applaud the administration for undertaking this ambitious endeavor or to finally reform this broken system of health care financing.

Our current health care system, with a reliance on third-party, or employer-provided, insurance, is a relic of World War II. As time marches on, we are finding that individual patients, which should be the primary concern of any health care system, are being relegated to the back seat in the decision-making process. For a third-party provider, their physicians to try to obtain payment from insurance providers, with varying degrees of success. In fact, insurance bureaucrats, both government and private, are currently making health care decisions and are already rationing health care, and these folks are not even medically trained.

Instead, if true health care reform is to be at all successful, we must refocus our efforts on putting patients front and center in all decisions that relate to their health. The patient and the physician should be deciding the best course of action as it relates to the patient, just as the patient should be the final arbiter with their respective insurance provider. Once people are finally allowed to assume responsibility for their own medical well-being, they will be able to demand upfront an explanation of charges for potential tests and procedures. Only in a fully patient-centered system can we bring the market forces of accountability and transparency into the health care system that exists in other areas of our economy.

I envision a way in which we can build a vibrant health care system in our country, where physicians are free to practice medicine without the massive government burdens that our current health care system weighs them down with. Our new system will still provide a vital place in the payment structure to cover extraordinary or even catastrophic procedures.

But the basic tenet must be simple and straightforward: The patient must always come first, and the patient must ultimately be responsible for their own health care well-being.

The task set before us is enormous, but it is attainable. Failure is not an option, but a fate worse than failure for the future of our country and its people is absolutely making the wrong choice.

I cannot stress this enough. Our country’s health care system must not follow the ill-advised example of other western countries, specifically France, England, and Sweden, with an utter reliance on the government to provide health care for every individual. This is socialism in its most basic form and is directly responsible for burdening these countries with such massive financial obligations that the only remedies are radical changes and cuts or bankruptcy. Not to mention that the standard of care that these countries provide is an inferior one.

True, our current health care system is rapidly going bankrupt and bankrupting every American in the process. But we spend 2½ times more money than any other country in the world right now. Just imagine how much we’ll spend if we follow Europe’s lead and totally socialize our health care system.

So we must not follow their reckless example as we work to change our own health care financing. But we must not waver either in the face of this enormous task set before us. And make no mistake about its enormity.

I have never encountered a problem, except for national defense, where a solution from the government has turned
out better than a solution from the private sector. That said, we should not stand for trading in government bureaucrats for insurance company bureaucrats. I cannot stress this enough: The ultimate decisions must be in the hands of every individual patient. Physicians should be in charge of examining the benefits and risks of each and every test and procedure to the patients, and the patient will decide how to proceed. When necessary, the patient will consult with their insurance provider, seeking guidance about extra-ordinary procedures or hospital stays or whatever is required.

We must take steps to change our health care system, but socialism is not the answer. Let’s work together to find solutions that are patient-focused and not government-focused.

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE $10 BILLION LANDS BILL: ANOTHER BIG GOVERNMENT BOON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today the House, unfortunately, voted overwhelmingly in favor of the Senate lands bill, a $10 billion bill that we simply cannot afford. Fortunately, it did not pass with the required two-thirds vote necessary for passage under suspension of the rules. However, all this really means is that it will now be taken up under regular order, where it should have been in the first place and which requires only a majority vote. Thus there is no question this bill will pass the next time it’s taken up.

But I hope more people across this land will start thinking about what we are doing to ourselves. I realize that since we are now throwing around trillions, spending money like never before, that maybe people don’t really think that $10 billion sounds like that much anymore. But to anyone who stops to think about it, $10 billion is still an awful lot of money, and it becomes even more when you realize that we are having to borrow all this money we’re spending because we surely don’t have surplus cash, and we are now 12 trillion 104 billion dollars in debt at the Federal level. I realize that 12 trillion 104 billion is an incomprehensible figure. But what it really means is that we will soon not be able to pay all of our Social Security and veterans’ pensions and all the other things we promised getting adequate money with money that will buy anything.

I used to say what we were doing to our children and grandchildren was ter-

rible. But now I believe that tough economic times, already here for many, are going to come for almost everyone in the next 10 or 15 years, if not sooner. When a family gets deeply, head-over-heels-in-debt, it gets in even worse trouble and greatly increases its spending even further. That is exactly the situation our Federal Government is in today, living way beyond its means.

This lands bill is a combination of 170 bills, which cost a total of $10 billion. In addition to that, it is a luxury that we do not need and which will be very harmful in the long run. We already are having trouble funding and taking care of the Federal lands we have now. The National Park Service claims it has a $9 billion backlog on things it needs to do in our 379 national park units. It sounds great for a politician to create a park, but we now have so many parks at the Federal, State, and local levels that we cannot even come close to getting use of these unless all of our people suddenly find a way to go on permanent vacations.

Another problem that few people think about is that we keep creating so many local and State parks, and expanding others, especially at the Federal level, that we are taking way too much land off the tax rolls. We keep decreasing private property at the same time the schools and all the other government agencies keep coming to us telling us we need more money. These 170 bills, combined into one bill, create 2 million acres of new wilderness, 330,000 acres of national conservation areas, and restrict energy development on millions of acres. The U.S. Chamber of Commerce says this bill “substantially hampers energy development and private property rights by withdrawing millions of acres of land from oil and gas exploration . . . shackling U.S. energy exploration and development at this critical time would substantially jeopardize America’s already fragile economy.”

It’s going to drive up prices, utility bills, Mr. Speaker, and it’s going to destroy jobs.

The Federal Government today owns about 30 percent of the land of this Nation. It has 84 million acres in the National Park System. It has 150 million acres in the Wildlife Refuge System. It has 195 million acres in the National Forests. I could go on and on with other Federal agencies, but it’s not necessary.

Then State and local governments and quasi-governmental agencies control another 20 percent of the land. Half the land is now already in some type of public ownership now.

On top of all this, there are now 1,667 land trusts and 1,400 conservancy groups at least. These are figures from 2 years ago; so there may be more now. USA Today, which published these figures yesterday said the private trusts and conservancy groups control about 40 million acres and that they’re taking over an average of more than 2½ million more each year. These lands are eventually sold or turned over to the government at great cost to the taxpayer and causing further increases in taxes on the property that remains in private hands. Then we’re putting more and more restrictions or limitations on the private property that can be developed, thus driving up the cost of homes to astronomical levels in many areas.

Mr. Speaker, we are slowly but surely doing away with private property in this country. If we don’t wake up and realize that private property is one of the keys to both our prosperity and our freedom, we are going to really cause serious problems for everyone except for the very wealthy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ANNIVERSARY OF THE 1937 NATURAL GAS TRAGEDY OF NEW LONDON, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, March 18 will mark the 72nd anniversary of what freshly graduated newscaster Walter Cronkite called the “worst school disaster in American history.” I stand before the House today to commemorate those students and educators who so tragically lost their lives that afternoon as well as to encourage the survivors.

The 1930s saw many families in East Texas with hope as they fought to regain what had been lost in so many parts of the country during the Great Depression. With the discovery of oil in northern Rusk County, the City of New London, Texas, boasted one of the richest rural school districts in America. They had just built a state-of-the-art school that would make any school district envious.

But at approximately 3:18 p.m. on March 18, 1937, many of those same school districts in America. They had just built a state-of-the-art school that would make any school district envious.

It was on that date, at that time, the New London school did become the site of the worst school disaster in American history. In those days, natural gas had no odor. That odorless gas started leaking from a tap line and accumulated in the massive crawl space beneath the school building.

In an instant, a spark from a sanding machine in the basement ignited the gas, creating an explosion heard miles around the world would bear the pain of youth while east Texans and people around the world would bear the pain of losing a community’s entire generation.

Mr. Speaker, we are slowly but surely doing away with private property in this country. If we don’t wake up and realize that private property is one of the keys to both our prosperity and our freedom, we are going to really cause serious problems for everyone except for the very wealthy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

With the discovery of oil in northern Rusk County, the City of New London, Texas, boasted one of the richest rural school districts in America. They had just built a state-of-the-art school that would make any school district envious. But at approximately 3:18 p.m. on March 18, 1937, many of those same families would lose forever the promise of youth while east Texans and people around the world would bear the pain of losing a community’s entire generation.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
away. Witnesses said the building was lifted into the air.

When it came crashing down, its victims were buried in a mass of steel, concrete, brick and debris. Frantic parents, neighbors, oil-field roughnecks, and volunteer firefighters from the State ranging from Boy Scouts to Texas Rangers convened on the devastating scene. Many dug with nothing but their bare hands.

Men, women and children worked all through the night battling rain, fatigue and unimaginable grief. They worked to reach those buried underneath the mountain of twisted metal. Within 17 hours, all of the debris had been heroically removed, and all victims had been located.

A cenotaph, a tall monument, stands silently in New London across from the disaster site bearing the names of the 296 students, teachers and visitors who instantly lost their lives. The subsequent death count from injuries sustained that day brought the final count to 311.

Within weeks, the Texas legislature passed a law requiring that an odor be added to natural gas. That practice quickly spread worldwide, saving countless lives in the aftermath of that devastating loss. Now the odor added to natural gas is unmistakable and allows anyone to know instantly there is a leak requiring caution and repair.

This weekend we will have a formal observance. I will be in New London, Texas. We will pay tribute to those hundreds of young lives whose faces were full of hope and promise one moment, yet left lifeless moments later.

We will also honor those who heroically fought to rescue the victims, while we lend sympathy to those who bore the burden of tragic loss. We also honor those who have survived that day when their lives were forever changed.

May God bless their memory, may God heal the wounded memories, and may God bless those who have carried on in New London, Texas, ever since that heartbreaking day.

END PRACTICE OF EARBARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes.

Mr. FLAKE. Mr. Speaker, today, President Obama made two major announcements. First, he wants serious earmark reform. In particular, he wants to get rid of earmarks that represent no-bid contracts to private companies.

Second, he will sign the $410 billion omnibus spending bill containing nearly 9,000 earmarks, several thousand of which represent no-bid contracts to private companies. It should not go unnoted that the announcement to rein in earmarks was made to great fanfare when the ceremony to sign the earmark-laden omnibus into law was taking place in a quiet room away from public view.

So, Mr. Speaker, as much as we know we need adult supervision around here on the earmark question, I think it’s safe to say that we are on the right track.

We can’t expect the President to help us out that much. This is not a criticism of this President. The last President talked a lot about earmark reform but didn’t carry a very big stick. In the end, he left it to us, and we didn’t reform things. We are in that same position today.

Mr. Speaker, the bill that’s being signed into law today contains thousands and thousands of no-bid contracts to private companies. Many of those no-bid contracts to private companies will go to clients of the PMA Group, a lobbying firm that is currently under investigation by the U.S. Department of Justice. Yet we continued. We let it go in this bill.

So I think those of us who worry that we are not going to be serious about earmark reform this coming session have reason to be worried, despite the announcements to get serious about the prospect both by the President and by the Democratic majority here.

Let me just tell you a little about the scope of the problem we face. I have here 83 pages. These represent certification letters that Members of Congress write in order to request an earmark. These requests were made for the 2008 defense bill which we passed in September of last year without any debate where somebody could challenge any one of the earmarks which were more than 2,000 in that piece of legislation.

These 83 I hold in my hand now were requests for earmarks made to clients of the PMA Group, again the firm that is under investigation by the Congress write in order to request an earmark. These requests were made for the 2009 defense bill which we passed in September of last year without any debate where somebody could challenge any one of the earmarks which were more than 2,000 in that piece of legislation.

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These 83 I hold in my hand now were requests for earmarks made to clients of the PMA Group, again the firm that is under investigation by the U.S. Department of Justice. Yet we continued. We let it go in this bill.

I will just read through a couple. This is one where the recipient of this earmark is to go to Ocean Power Technologies located at Pier 21 in Honolulu, Hawaii.

Here is another. This one is to go to L-3 Communications Systems project located in Salt Lake City, Utah. Here is another for Parametric Technology Corporation located at 140 Kendrick Street, Needham, Massachusetts.

There is another for General Dynamics Ordnance and Tactical Systems, Scranton Operations in Scranton, Pennsylvania.

These are no-bid contracts to private companies. They are all to clients of the PMA Group.

In every case here, in all 83, those who requested these earmarks for these private companies, these no-bid contracts, then received, or before, in every case here, received a contribution either from executives at the PMA Group or the PAC operated from the PMA Group.

So we have a problem here, Mr. Speaker, that we need to address. Now, there were some reforms that have been outlined today saying that no-bid contracts will have to be competitively bid. If these no-bid contracts, if these companies are actually listed and the Federal agencies receive these requests and then bid it out, then it’s not an earmark anymore.

So we have a bit of a misnomer here or something that doesn’t quite make sense. But I think a lot of us who have been around here a while are justifiably skeptical that this will actually take place.

Most of us were here in January of 2007 when the new majority outlined some earmark reforms in terms of transparency and accountability.

But we all in the past 2 years have realized that new rules are only as good as your willingness to enforce them, and these rules have gone unenforced.

Mr. Speaker, let’s have some real earmark reform.

MESSAGE FROM THE PRESIDENT

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

FINANCIAL CONDITION OF OUR NATION

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 18, 2007, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker. It’s a pleasure to be able to join you and my colleagues here today. Our topic today is something that is on the minds of Americans everywhere. It’s the question of our economy, the seriousness of the recession and the steps that we are taking.

I think a lot of us who have been around here a while are justifiably skeptical that this will actually take place.

Most of us were here in January of 2007 when the new majority outlined some earmark reforms in terms of transparency and accountability.

But we all in the past 2 years have realized that new rules are only as good as your willingness to enforce them, and these rules have gone unenforced.

Mr. Speaker, let’s have some real earmark reform.

I suppose it goes without saying that the recession is something that’s serious. We can look at it in various different ways because it affects each of us in different ways.

We could look at it from the fact that there are people who are husbands that have wives and children, who have mortgages that are due and no job and their bank account, already seriously whittled down, is shrinking even further.

We have those who have even been thrown out of their homes, those who have lost all of the money that they had saved for retirement, their 401(k)s are becoming 101(k)s. And it has a troubling aspect that we don’t have any idea when is it going to let up and what will be the end of this ride, as the stock market goes up and down and people continue to suffer.

One of the things we have heard about over the last 6 years from our
liberal media and from others that are very critical of the foreign policies of America, as we stood up for freedom, was the tremendous cost of the war in Iraq, the war in Afghanistan.

To put in perspective what we are talking about here on this economy, if you want the cost of the war in Iraq, every day of it, and add up the cost in Afghanistan, and the first 5 weeks of this Congress in the stimulus—it was called a stimulus bill, I call it a porkulus bill—we spent more money in those 5 weeks, not just the federal for in the first 5 weeks here, than we spent in all of those wars, all of those years added together. So we are talking about a lot of money, and that’s just the beginning.

So I think it’s appropriate for us to start out as we should. Instead of being too hasty and jump into things, to stop and just ask ourselves, how did we get in this mess? What policy mistakes did we make and what is our logical way forward.

The good news I have for you, my friends, today is, is that there is a way home. The policies that are necessary to turn this situation around are available to us. History has shown us what works and what doesn’t work. So a bright future is available, as it has always been for America, if we make the right choices.

So, how was it that we got here? Well, the story starts some number of years ago, a number of administrations ago, when it came to people’s attention that there were certain areas of some cities where you could live where it wouldn’t really be hard to get a loan to own a house. We felt that it’s part of the American Dream for somebody to be able to own a house.

So, we created a couple of groups. One was called Freddie Mac and the other was Fannie Mae. And the purpose of them was not quite government agencies, but they weren’t quite private either. The purpose of them was to be able to make loans affordable to various people.

We also leaned on the bankers in those various communities, saying, As a bank, you have got to write some loans to people. Well, Who are we supposed to write the loans too? Well, People who don’t have very good credit ratings. Let me see if I understand this correctly. What you’re saying is, You want me to give loans to people, and it may be they are not going to pay the loan back. That’s right. The government is telling you to do that.

In addition, as Freddie and Fannie had been created during the last years of Clinton’s administration, what happened was that Freddie and Fannie were given legislative instructions saying that they had to make more and more loans to people who couldn’t afford to pay. That is the time, in 1999, the New York Times had an article that said, Hey, we better look out. This is like the savings and loan deal about to happen all over again. We are about to make the same mistakes we made before. The mistakes were that if people can’t pay these things back, then the securities that you package these different loans up—and that is what Wall Street was doing, was packaging these securities and trying to make money from them— and we are going to have a big problem because Freddie and Fannie, everybody assumes that the government will back their loans. And if it’s the government that backs them up, that means that the government is going to be held hostage for loans that were made, and maybe to people that couldn’t afford to pay them. And so this article was written in 1999, warning: Savings and loan scandal. Look out. We are starting to do the same mistake we made before, 10 years earlier. But we didn’t pay attention.

By 2003, President Bush is also reported in the New York Times saying that what is going on in Freddie and Fannie is a huge problem. It could create a whole lot of economic trouble for America. I need the authority to regulate Freddie and Fannie, the President was telling us.

That same New York Times article said that he was opposed by the Democrat Party. In fact, the recent chairman, and this is an actual quote from the New York Times, September 11, 2003, this is in response to President Bush asking for authority to regulate Freddie and Fannie, the Democrat Congressman, BARNEY FRANK says, “These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis,” said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee, the man, I might add, who is working on the solution to this problem. “The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.”

Well, anybody can be wrong. Some people can be terribly wrong. And, in this case, this mistake has turned the entire world economy upside down. And so we have a whole series of these loans now. You all know now that what has gone wrong has been that these loans have been in default. But this is what started with the loan business and has now affected all of our economy. So, this is where the problem started, but it has now spread. So we have a recession.

So, the question then is, this is where we got off track. We have the government spending just tons of money to try and turn this problem around, but the question is: How really should we go about fixing it.

And I am joined here in the Congress today by one of our distinguished colleagues, a new Member, from the State of Ohio—Mr. AUSTRIA has the experience in this area and is rapidly making a name as quite a sober and distinguished Member of our body. And I would like to yield to the gentleman if you would like to make a comment on where we are and where we should be going.

Mr. AUSTRIA. I want to thank the Member from Missouri for yielding his time and helping to put things in perspective, Mr. Speaker. And I want to thank you, Mr. Speaker, as you know, there are families in Ohio that are real families that are struggling right now, that are going through difficult times. And it’s times like these that I believe in Ohio is down, and we are struggling, going through difficult times. I want to focus in on the 900,000 small businesses that we have in Ohio that are going through these difficult times, that we are asking to make sacrifices, we are asking them to help save jobs, help create new jobs, and we need to make sure that we are taking the necessary action to help them get back on their feet and not hurt them.

Mr. AUSTRIA. Thank you for those comments, because I think that puts things in perspective. The 900,000 small businesses across the State of Ohio is reflective across this country. As you mentioned, 70 to 80 percent of our Nation’s economy, the engine behind that economy is the small businesses. We should be working to help those small businesses, not hurting those small businesses, and helping them to be able to get through these difficult times and to be able to save jobs, to be able to create new jobs, and to be able to sustain those jobs in the long term. We need to work hard.

As I have traveled throughout my district, and I have a very unique district that runs from Dayton to Columbus, it’s very diversified. You go to the western part of my district, you have Wright-Patterson Air Force Base, which is the largest single-site employer in the State of Ohio, located in my County. You go towards the middle of the district in Clarke County, Springfield, a lot of manufacturing and industry. You go to the eastern part of my district, you have a lot of small towns, rural areas, a lot of agriculture, and a lot of small businesses. I think that is reflective of Ohio and across this country.

But no matter where I go, and I have had an opportunity to travel, in my 20 months as a new Member of Congress throughout all eight counties of my district, and I have spoken at many different events—with Chambers, Rotaries, at other events. And I have talked to many of our small business
owners who are going through difficult times right now. They are having a very difficult time right now just maintaining their businesses right now.

I had two businesses actually came to see me, this week, to meet with them. They are doing their best to keep their businesses going. That was something which allowed small businesses to have more capital. To keep them going. They are having a very difficult time right now just maintaining their businesses right now.

I was doing my best to help them keep their businesses going. They are doing their best to keep them going. That was something which allowed small businesses to have more capital. To keep them going. They are having a very difficult time right now just maintaining their businesses right now.
to be the engine to pull America forward because government doesn't create prosperity, it either taxes or spends or slops money around, or it creates a whole lot of debt, but it doesn't create anything where it creates any prosperity. It can only move money from one person to another.

And so the other approach is to do as you are saying, gentleman, you have got to work and you have got to empower those small business people. But when you spend tons of money, that takes the liquidity away from the small businessman and you make it so that he can't go. And that is what they did for 8 years. Unemployment just stayed high, and they spent tons of money; and when they got all done, they said it didn't work.

So I wanted to lay that down, because I think people have to understand there are two basic approaches people are taking: One is spend a whole lot of money, stimulate the economy. And the Japanese bought that theory. They tried it. It didn't work for the Japanese for 10 years, and we can't seem to do any better. And yet, the other theory was tried by JFK, by Ronald Reagan, and it has worked great. And so why don't we do the one that seems to learn from them. And yet, the other theory was tried by JFK, by Ronald Reagan, and it has worked great.

And the Japanese bought that theory. They said it didn't work. They spent tons of money; and when they got all done, they said it didn't work.

Mr. AUSTRIA. Thank you. Also, I think it is important to point out that we did have an alternative plan as we went through that stimulus plan that would have created twice as many jobs for half the cost. That is using the same standards as the President's own economic adviser. Using those same standards, we could have created, again, twice as many jobs for half the cost.

The other thing is the spending plan, and we are looking very closely at this budget in committee. There are some good things, I will acknowledge. The fact that this budget acknowledges that we have an entitlement crisis going on right now I think is a good thing. The budget attempts to fix the AMT, which I think is a good thing. It sets a means test for Medicare part D premiums, which I think is a good thing. But then you get into this spending plan, we are talking about increases from the 2009 budget, the spending of $3.9 trillion. Again, this is debt that we are accumulating that we are going to be passing on that our children and grandchildren will be paying for years to come.

We look at the increases on the non-defense appropriations by 9.3 percent, we look at the baseline that they are using as far as the war funding. Those are things that concern me in this budget. I want to talk about that I think is really going to hurt this economy is the higher taxes that are within this budget. That is going to hurt the economic growth and job creation, and these levies are totally approximately $1.4 trillion over the next 10 years, allegedly targeting the wealthiest Americans. And let's define wealthiest. I would be glad to yield back the time, because I know both know that a lot of individuals that are falling in that category are small business owners that are going to have to pay this tax. Again, these are the same business owners that we are asking to step up to the plate, to help create jobs, to give of their own assets and invest it back in their business during uncertain times. At the same time, the government is going to come in and say, by the way, you need to pay us. We are going to raise your taxes during that time period. And as you mentioned earlier, these small businesses create anywhere from 60 percent to 80 percent of jobs in the United States.

Mr. AUSTRIA. Reclaiming my time. Mr. AKIN. Mr. AKIN. Reclaiming my time, I think one of the facts that are alluded to, gentleman, was the fact that what we are talking about is an unprecedented level of spending that we have seen in a very short window. We are a week or two into March. We didn't really come up with the first budget until January, so we have been at this an equivalent of 2 months, and we have been spending some money. We have been spending a lot of money.

I happen to serve on the Armed Services Committee. When I think of trying to put a number on billions of dollars, I tend to think in terms of something that is tangible, like an aircraft carrier. For the Armed Services Committee, aircraft carriers are big and expensive. And we don't want them sunk, so we put ships all around them to protect them. We have got 11 of these. They cost about $3 billion apiece. So you talk about deficits for aircraft carriers into what we passed out of this House in this porkulus bill, $840 billion. We have got 11 of them. You are talking about a line of aircraft carriers, 250 aircraft carriers. We only have about 10 in the Navy. 250 aircraft carriers, that is a lot of money that we don't have that we spent.

Now, what you are starting to see in this graph here, this is the deficit. Under the blue lines here, this is deficit under Republicans, 2004, 2005, 2006, and 2007. You see the deficits going down. 2008, 2009, and 2010. You take a look at what is going on to this deficit, and we are talking about deficits unlike anything our Nation has seen historically at all. We are talking uncharted waters and that porkulus bill at $840 billion is just part of it. As you mentioned, we had that other Wall Street bailout bill for $700 billion. Half of that we did this year, also. That takes us over $1 trillion. We are talking about some real change here, and a change unlike anything we've seen before. This is the change that the government will have a lot of money, and you and my constituents will have nothing left but change. I am afraid.

Mr. AUSTRIA. I notice that we are also joined by a member of your class, gentlemen, a distinguished doctor from Tennessee, Congressman PHIL ROE. I would love to have him jump in.

Mr. ROE of Tennessee. Thank you, I wonder if I could go on record with a number of constituents, and one of the things that they brought out is that they understand. And these are from police officers, sheriffs, builders, developers, grandmothers, grandparents. They are saying this is the only thing they have seen in their life. And the builders and developers believe that simply if we will get the financial situation straight, the banking straight in this country, they said: Look, we will go out and create the jobs if we will get where we can get money. I will give an example.

A person came in my office in the local district, and he said, Doc, this is the deal I am trying to put together. He had 14 or 15 commercial lots on a beautiful river from Knoxville, Tennessee. And they are not making any more Holston River, not making any more lots on the river. It was a $1.7 million project. It was appraised at $2.3 million. He put $500,000 on the money down, and they said, we will do it over a period of years is how they do these developments.

The apraiser said, well, a fire sale would be probably $1.1 million. The bank then said that was going to be a bad loan because it is $100,000 upside down and would go as a bad loan against that bank. Now, if you can't release capital when somebody puts down $500,000 on a $1.7 million project, then you can't do business. And that is one of the things that is clogging our economy. And this access to capital is being choked off. And until we open the capital market up, you are not going to see our businesses and jobs be created.

The single number one thing the President of the United States should be doing right now is making sure that our banks are solvent and that capital is available, and that we can go and let these business people create jobs. And they cannot create the jobs if you increase tax on small business, because that is what the jobs are being created in America. Certainly in my district that is the case.

Now, we have been very fortunate in our area. The unemployment rate overall is not quite as high as it is Nation-wide; but it is trending in that direction. And if you are a person who loses their job, basically it is a depression for you if you don't have a job.

Mr. AKIN. Reclaiming my time, doctor, I appreciate what you are saying. When you really take a look at where we are here, the policies that we make in this House have a tremendous impact on people's lives. And a lot of
times the people that get hurt very badly, just as the example you are talking about, and all of the other jobs that would have been created by that project moving forward, those people are hurt because of the policies that we made. And people want to say, this is a failure of free enterprise.

This has nothing to do with free enterprise falling. This is a failure of a socialistic scheme to force banks and lenders to give money to people who can’t afford to do it. And I assume this was 80% under the pretense of being compassionate. But I am asking myself, if I am the dad and somebody talks me into a loan that I can’t afford and I am getting my house foreclosed, how is that compassionate? I don’t really understand that.

We are joined also by another just fantastic Congresswoman, and this is Congresswoman FOXX from North Carolina. She always has a real common-sense point of view, and I would like to have her take the discussion, if you would go ahead and proceed.

Ms. FOXX. I thank you, Mr. AKIN, for taking charge of this Special Order this afternoon. You have been doing a fantastic job the past weeks. You always do a fantastic job in the past several weeks. You always do a fantastic job, but I know that you have really put out the time and energy to do these Special Orders and bring to the attention of people things that need to be brought to their attention related to the budget that I have been passing, the whole economic situation that we see facing ourselves. And you talked about the problem with what is commonly called mark to market, our friend from Tennessee mentioned it, and what is happening with people not being able to get loans and how complicated our economic situation has become.

I want to talk just a minute about an article that came out today in the Washington Times by a very well known person named Thomas Sowell. Thomas Sowell is one of the most brilliant minds we have in our country these days, and any time I see a piece by him I do my best to read it, because I always learn from reading from Thomas Sowell. The conversation about mark-to-marketing, the conversation about compassion made me think about this article. Any time we have a chance to quote Thomas Sowell, I think we should do that.

(From The Washington Times, Mar. 11, 2009)

COMMENTARY—SUBSIDIZING BAD DECISIONS

(By Thomas Sowell)

Now that the federal government has decided to bail out homeowners in trouble, with mortgage loans up to $729,000, that raises some questions that should be asked but seldom are asked.

Since the average American never took out a mortgage loan as big as 700 grand—for the very lucky few who could afford it—why should he be forced as a taxpayer to subsidize someone else who apparently couldn’t afford it either, but who got in over his head anyway?

Why should taxpayers who live in apartments, perhaps because they did not feel they could afford to buy a house, be forced to subsidize other people who could not afford to buy a house, but who went ahead and bought one anyway?

We hear a lot of talk in some quarters about how any one of us could be in the same financial trouble that many homeowners are in if we lost our job or had some other misfortune. These folks are all just a few paydays away from being in the same predicament.

Another way of saying the same thing is that some people are high enough on the hog that any of the common misfortunes of life can ruin them.

Who has been out of work at some time or other, or had an illness or accident that created unexpected expenses? The old and trite notion of “saving for a rainy day” is old and trite precisely because it has been a common experience for a very long time.

What is new is the current notion of indulging people who refused to save for a rainy day, because they were imprudent.

In the wake of the housing debacle in California, more people have been forced into far more expensive homes, making bigger down payments, and staying away from “creative” and risky financing. It is amazing how fast people learn when they are forced to pay the consequences of their decisions.

Mr. AKIN. Reclaiming my time just a moment, what you said there was a mouthful, but it really makes a lot of sense. What we are doing is robbing the prudent to pay for the prodigal.

I think what he is saying is very much of the same. I think that not only we are robbing the prudent, but we are ruining the people who did the right thing. That is one of the problems with the current notion of compassion. It is not a bad notion, but it is being misused. And the argument that is being used is the same theory here.

What is new is the current notion of subsidizing bad decisions. And that is what this bill would do. When new occupants of foreclosed housing find it more affordable, will the previous occupants all become homeless? Or are they more likely to move into homes or apartments that they can afford? They will be so Sahm—of course be Sahm—but perhaps wiser as well.

The old and trite phrase “sahm but wiser” is old and trite for the same reason that “saving for a rainy day” is old and trite. It reflects an all too common human experience. Even in an era of much-ballyhooed “change,” the government cannot eliminate sadness. What it can do is transfer that sadness.

“Change,” the government cannot eliminate sadness. What it can do is transfer that sadness. And aside from having trouble getting credit, the tremendous level of spending that is just vacuums that money, that liquidity, out of the market.

I would like to return to our good friend from Ohio, Congressman AUS- TRIA. If you would like to jump in, I will yield.

Mr. AUSTRIA. I want to thank the Congressman for bringing that up. It is very important that taxpayers understand that their hardworking taxpayer dollars are paying for that program that is going to reward those who are making irresponsible and bad decisions, and the ones that are paying...
Ms. FOXX. I know you’re an engineer, but I think you also know a great deal of history. And if my memory serves me, the times that we have been in recession, what seems to have worked has been cutting taxes, not raising taxes. And as I have been discussing a lot in the last few weeks, my memory is that, is your memory that we have heard over and over and over again, here are the times that we have cut taxes, here are the times that you’ve mentioned and one more point before you answer, I know, as you say, Republicans are accused of not having new ideas. Well what I like to say to people is it isn’t that we need new ideas, it is that we need to use the ideas that have already been tested. And the ideas that have always worked have been where we have cut taxes, or at least that is my understanding. And I would like to get you, if you don’t mind, to respond.

Mr. ROE. Reclaiming my time, thank you for that question. Maybe I assume too much. Certainly that is what happened. JFK cut taxes. Ronald Reagan cut taxes. And in a very strategic way, President Bush cut taxes to avoid a recession. But here is a point we have to clarify. It is not just any tax cut. One of the things that has been done lately which has kicked this debt up tremendously was the fact that we just gave some cash back to every good old American on the street. It is a nice thing to do if we had the money, but to tax their children and grandchildren in order to give them a $1,000 or $5,000 paycheck, it is nice, but it doesn’t help the economy. It isn’t that kind of tax cut. You have to understand it is certain types of tax cuts. And those tax cuts have to have the effect of investing in entrepreneurs, the risk-takers and the productivity factor of the economy. And that is why the dividend capital gains is a big deal.

Ms. FOXX. Would the gentleman yield for one more question?

Mr. AKIN. Reclaiming my time, thank you for that.

Ms. FOXX. I think that it is important that we point out to the American people over and over again that the money that the Federal Government has is not manna from Heaven. The only money that the Federal Government has is money it takes from us forcefully through taxes, money that it borrows from us and other countries, and of course printing money, which creates inflation. But there are people who think there is something called “government money.” Could you elaborate on that a little bit? Because it is an issue that I think needs to be pointed out.

Mr. AKIN. Congresswoman Foxx, you have a way of making it very straightforward and plain. I like that common sense. I believe we have a couple of guests here that would love to comment on that.

Mr. ROE. Reclaiming my time, thank you for that. Obviously one of my heroes, too, is Thomas Sowell whom Congresswoman Foxx quoted a minute ago who happened to be a student of Milton Friedman. And Dr. Friedman is a Nobel Prize-winning economist at the University of Chicago. And Dr. Friedman stated very clearly that if you want more of something, you subsidize a little less of something, you tax it. So, if you want less wealth, you tax wealth, and you will have less wealth.

Mr. AKIN. Reclaiming my time, what you said is so important to understand. It is such a basic principle that we should never, never forget what you said here on this floor, and that is that what you tax, you’re going to get less of. And what you pay for, you’re going to get more of.

I will yield.

Mr. ROE of Tennessee. Thank you for yielding. So if you want more programs, you create programs that subsidize those, and you will get more of those government programs. If you want more wealth, you cut taxes. Like you said, every single time the appropriate tax cut is done, revenue to the government has gone up, not down. Every single time the price of capital goes down due to a tax cut, government revenues go up. Why is that? Well because it leaves more money to the people who have earned it. They can go out and invest it, save it, and do whatever they want to with it. And guess what that does? That creates wealth.

One of the things I wanted to talk about was you had mentioned the word “compassion” a minute ago. And I had discussed this. I was on the phone with a local newspaper at home. And my previous job, besides practicing medicine when I had a real job before I came here, was being mayor of our city. And I had to look at my neighbors, especially the elderly. And the two ways we have to raise revenue locally was either raise your property taxes or sales tax. Well, we can’t do both. We can’t make you go down and spend any more money. So I had one other option. Or I could limit the size of government. And I thought the most compassionate thing I could do for senior citizens who are on a fixed income was not overstressed by government. Because then the only way locally I could do when these folks are on a fixed income, they are already making tough decisions about what to do with their money, was raise the property taxes, which they chose not to do. And we were rewarded by that.

Let me go over a couple of things in the government spending that we have just done. There was a huge amount of money spent there for infrastructure. And let me just think out loud for a minute. You hear a lot about green jobs and that we are going to invest in all this. In our local community, we invested not one dollar and created an enormous number of jobs. Let me tell you where we did it. We went to a private company. We had an open landfill. One of the largest carbon polluters in America is a landfill. We went to a
private company and negotiated the deal. They put all the capital up. We captured all the methane gas at this landfill. We cleaned this landfill gas up where it was almost pipeline quality. We piped it 4 miles across town to one of our largest employers, which happens to be the Veterans Administration Hospital at Mountain Home. They operate, they heat and cool their facility, a 100-acre campus, at a 15 percent discount off their energy bills. We make money, and they save money. The local Federal taxpayers save money. And we as a local taxpayer made between 5 and $700,000. And it was the environmental equivalent of taking 34,000 cars off the road or not importing almost 20 million gallons of gasoline. And guess how many taxpayer dollars we spent? Zero.

The second thing we did before I came up here, and I looked at this stimulus bill, and I thought you could do a lot of this for nothing. We did an energy audit of every building the city owned. We owned 44 buildings. We got a guarantee from a private company that if you don’t make the bond payments, we will make it for you. So what we did was we put in new HVAC systems and we put new windows. We did all of that, $11 million worth of infrastructure improvements, to our building. And guess how much money the taxpayers paid? A big zero because energy savings paid for all of that redo. Did we do that in this bill that we just sent up as a stimulus package? No, we did not. And guess where the windows were made? Right there locally. Guess where the glass was made? In a community next door to Kingsport, Tennessee. And we did those kind of things at no cost to the taxpayers. That is the innovative things that the Republican party brings.

Mr. AUSTRIA. Will the gentleman yield?

Mr. AKIN. I certainly do yield to the gentleman from Ohio, Congressman Austria.

Mr. AUSTRIA. I thank the good doctor from Tennessee for putting things in perspective.

There are real families out there across this country, including in my State of Ohio, who are going through difficult times right now and who are suffering. I want to make sure that the general public out there, the American people, understand really what this cap-and-trade is.

I am looking at your chart up there. This is part of the $1 trillion increase over the next 10 years. And if you start counting how many zeroes are behind $1 trillion, it is a whole lot of zeroes. There are a lot of taxpayer dollars that we are talking about. This cap-and-trade heaves another $646 billion tax increase. Of course, that means in this budget that is being proposed right now is that it will increase prices for 95 percent of our families. For everyone who turns on their TV, who fills up their gas tank and who turns on their heat in the winter, this budget, the cap-and-trade proposal that they talked about, that some people are referring to now as a cap-and-tax, anything that is using carbon, it is estimated to heap again at least a $646 million worth of infrastructure improvements, to our building.

Mr. AUSTRIA. Let me just real quickly say, I mentioned earlier, I had a couple of businesses and they actually came to D.C., and this is how concerned they are. They are struggling to make payroll. One business has an opportunity to be able to expand and create new jobs but can’t get the financing at the interest rates that they need. When you start combining, increasing taxes, when you start combining the debt that we are just continuing to increase, to try and tax and spend your way out of an economic crisis I don’t believe is the right way to go. We can do better than that. I think when the American people spoke this last election last November and they wanted change, this is not the type of change they want. They didn’t want to see government just continue to increase and a huge infusion of tax dollars and expanding government. What they wanted to see was real economic stimulus, a plan that will create and save jobs and sustain those jobs over the long term. Again, I believe our small businesses are the backbone that makes that happen. There are families out there that need relief. They need the permanent tax cut right now that we have offered on our side.

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ton, or I should say on the carbon dioxide per ton, and then it goes out $10 a year. So you are absolutely correct; everything you purchase is going to cost more. The exact opposite thing you are saying is true, and it is delaying our recovery.

Mr. SCALISE. Not just a thousand, $1,300 a year in electricity tax increases that people would be paying on their electric bill every year. This isn’t a one-time thing. Mr. AKIN. Reclaiming my time, my time, that is not even talking about what you are going to do to further bury small business, who are the very people we want to create our jobs.

I see that we also joined by a highly respected congressman, the gentleman from Indiana (Mr. PENCE), I yield to the gentleman.

Mr. PENCE. I thank the gentleman from Louisiana (Mr. SCALISE), who has joined us before on this topic, and it is a treat to yield time to Congressman SCALISE.

Mr. SCALISE. I appreciate my friend from Missouri yielding me time, and you are talking about what is happening today here in Congress, and all across America because as people are tightening their belts and dealing with these tough economic times in their own way, in responsible ways, it seems like Washington, this is the only place where they seem to be going on a wild spending spree, spending money that we don’t have on programs that actually have more problems, actually hurting our economy.

If you look at these proposals, especially this tax increase, and you just showed the proposal, the taxes both on small businesses, actually the engine of our economy, small businesses over $600 billion in taxes proposed on our small businesses, and they create 70 percent of our jobs.

But what is more frightening to Americans all across the country is they are cap-and-trade proposals, it is a term that really means energy tax. It is a $640 billion tax on energy. People who actually use energy in their homes, if you are turning on your lights, you are going to be paying more in taxes, to the tune, the estimate that we got from the Congressional Budget Office, they estimate that this proposal in the President’s budget, moving through right now, something that we can stop, but in this proposal, it actually increases individual American tax bills, the bills on their utilities, by $1,300 a year.

Imagine that, in tough economic times like we are dealing with today, if you actually want to use your air conditioner during a hot summer, $1,300.

Mr. AKIN. Reclaiming my time, you just got my attention. I had seen some numbers, but are you saying that the average family in America, what is this cap-and-trade tax going to be? It is going to increase your electric bill on the electric side?

Mr. SCALISE. Unfortunately, that is exactly what their proposal does. The Congressional Budget Office estimates, in fact the President’s own budget director, Mr. Orszag, has been saying that this will actually increase utility bills for ratepayers across the country.

Mr. AKIN. Reclaiming my time, on top of everything else, you’re saying we have another thousand bucks a family in this deal?

Mr. SCALISE. Not just a thousand, $1,300 a year in electricity tax increases that people would be paying on their electric bill every year. This isn’t a one-time thing. Mr. AKIN. Reclaiming my time, my time, that is not even talking about what you are going to do to further bury small business, who are the very people we want to create our jobs.

I see that we also joined by a highly respected congressman, the gentleman from Indiana (Mr. PENCE), I yield to the gentleman.

Mr. PENCE. I thank the gentleman for yielding, and I thank my good friend for his strong leadership on this issue on the floor of the Congress.

After months of runaway spending here in Washington, D.C., on bailouts and on a so-called stimulus bill, and now the majority is beginning to talk about another stimulus bill and no one needs to be prepared to count the cost as the President moves his budget forward. Higher energy taxes, higher taxes on small businesses, and higher taxes on contributions to charities.

By one independent estimate, American charities and nonprofits, including educational institutions, religious institutions, charities that serve the underserved community, some estimates indicate that the President’s tax increase could cost charities in this country $16 billion per year.

The President’s budget spends too much, taxes too much, and borrows too much. Republicans in Congress have a better solution. We will be bringing those arguments and that solution to the American people in the weeks ahead.

Mr. AKIN. Reclaiming my time, the budget that we are talking about spends too much, it taxes too much, and it borrows too much. That ought to be pretty close to the title of our discussion here.

I really appreciate the good thinking and the high-level thinking. We have doctors here on the floor today, Congressman AUSTRIA from Ohio, we appreciate you joining us. And Congressman PENCE, a solid, conservative, commonsense kind of guy, coming from the heartland of Indiana. And Dr. ROE, this is the first you have joined us, and I am so thankful for your perspective and leadership. You are a medical doctor, and you also literally ran a small government. You have tried and you know what works. That is obvious from your comments today. Congressman SCALISE from Louisiana is a regular, and we are so thankful for you.

Spends too much, taxes too much, and borrows too much.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1262, WATER QUALITY INVESTMENT ACT OF 2009

Ms. MATSUI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report (Rept. No. 111–36) on the
resolution (H. Res. 235) providing for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–24)

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 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 Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2009.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing 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 Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA


STEM CELL RESEARCH

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker’s announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH. Mr. Speaker, I am very grateful to be here for this hour. And I hope some of my colleagues will join me on a very important discussion about embryonic stem cell research and the huge alternative—the alternative to the cells, that have proven beyond any reasonable doubt that it is not only ethical, but it works.

Madam Speaker, at a time when highly significant—even historic—breakthroughs in adult stem cell research have become almost daily occurrences, and almost to the point of being mundane, President Obama has chosen to turn back the clock and, beginning just 3 days ago, force taxpayers to subidize the unethical over the ethical, the unworkable over what works, and hype and hyperbole over hope.

Human embryo destroying stem cell research is not only unethical, unworkable, and unreliable, it is now demonstrably unnecessary. Assertions that leftover embryos are better off dead so that their stem cells can be derived is dehumanizing, and it cheapens human life.

There is no such thing as a leftover human life. Ask the snowflake children. Madam Speaker, ask their parents. Snowflake children are those cryogenically frozen embryos who were adopted when this resolution passed. This past Monday, I had the privilege of being with several of those children. They look just like any other kid, any other child. And those kids could have been subjected to embryo-destroying research that would have poured down the drain. But thankfully, the donors, the biological parents, decided that they are better off alive and flourishing. And these kids, like so many of the other snowflake children that I have met in the past, were just like any other child.

Life is a continuum, Madam Speaker. It does not begin at the moment of birth. It starts at the moment of fertilization and continues unabated, unless interfered with, until natural death. Birth is an event that happens to your life and to mine, it is not the beginning of life.

Madam Speaker, a recent spectacular breakthrough in the noncontroversial adult stem cell research and clinical applications to effectuate cures or the mitigation of disease or disability have been well documented. For several years, significant progress has been achieved with adult stem cells derived from nonembryonic sources, including umbilical cord blood, bone marrow, brain, amniotic fluid, skin, and even fat cells. Patients with a myriad of diseases, including leukemia, type 1 diabetes, multiple sclerosis, lupus, sickle cell anemia, and dozens of other diseases have significantly benefited from adult stem cell transfers.

In 2005, Madam Speaker, I wrote a law, the Stem Cell Research and Transplantation Act of 2005. It was legislation that created a national program of bone marrow and cord blood, umbilical cord blood—or that blood that is found in the placenta—that is teeming with stem cells of high value that can be coaxed into becoming pluripotent, capable of becoming anything in the human body.

We know for a fact that cord blood stem cells can mitigate, and in some cases even cure—and there have been several—those suffering from sickle cell anemia. One out of every 500 African Americans, unfortunately, have sickle cell anemia. And cord blood transfers have the capacity and the capability to effectuate cures or the mitigation of that disease. And we have seen those breakthroughs.

I remember when the bill was stuck—first here, and then on the Senate side. We were able to bring people, including Dr. Julius Erving, to a press conference to appeal to the House and Senate leadership to bring that legislation forward simply because it worked. But it was being held hostage by the hype and the hyperbole of embryonic stem cell research, which has not cured anyone. The legislation passed the House. Finally, it was dislodged from the Senate and became law. And now we have a nationwide network overseen by HRSA, under the Department of Health and Human Services, to grow our capacity—the number of specimens of cord blood stem cells—to type it, freeze it, use best practices, and promote cures.

Now, the greatest of all breakthroughs—the greatest, in my opinion, and in the opinion of many eminent scientists—is what is known as induced pluripotent stem cells. And I say to my colleagues, and I say to anyone who may be listening on C-SPAN, iPS cells, induced pluripotent stem cells, are the future and the greatest hope for cures. They are embryo-like, but they are not embryos. There is no killing of an embryo to derive the stem cells.

On November 20, 2007, Japanese scientist, Dr. Shinya Yamanaka, and Wisconsin researcher, Dr. James Thomson, shocked the scientific community by independently announcing their ability to derive induced pluripotent stem cells by reprogramming regular skin cells. And unlike embryonic stem cells that kill the donor, are highly unstable, have a propensity to morph into tumors, and are likely to be rejected by the patient unless strong antirejection medicines are administered, induced pluripotent stem cells, iPS cells, have none of those deficiencies, and again, are emerging as the future, the greatest hope of regenerative medicine.

Mr. Obama is way behind the times. Making Americans pay for embryo-destroying stem cell research is not change we can believe in. Far from it—it is politics.

A decade ago, the false hope of embryonic stem cell research made it difficult to oppose, no doubt. There was a lot of hype, a lot of hot air—much of it difficult to oppose, no doubt. There was a lot of hype, a lot of hot air—much of it well meaning, perhaps—but it was very misleading. That is no longer the case. So the question arises; why persist in the dehumanizing of nascent human life when better alternatives exist, alternatives that work on both ethics grounds and efficacy grounds? Non-embryonic stem cells are the present and it is the future of regenerative medicine, and the only responsible way forward.
I would be happy to yield to my good friend and colleague for any time he would like to take.

Mr. PENCE. I thank the gentleman for yielding.

In a week that has already been overcome by a blizzard of legislative activity and news, I rise for two reasons today; number one is to commend the gentleman from New Jersey, whose passion for human rights, for human dignity, for the sanctity of life is in high relief on the floor today. I commend the gentleman for coming to the floor and bringing his passion and his knowledge to this issue in the wake of a profoundly disappointing decision by the President of the United States of America. So I commend the gentleman.

My second point is to simply say that what was most disappointing to me about the President's decision in authorizing the use of taxpayer dollars to fund research that involves the destruction of human embryos is that it seemed to me, Madam Speaker, to be a moment when the President and his party were putting ideology over science. I say that grounded in the notion that was an accusation that was leveled at those of us on the side of life in the 1980s, we believed that we ought not to use the taxpayer dollars of millions of pro-life Americans and use it to fund research that destroys the lives of human embryos. It is immoral. It is wrong to use my tax dollars and the tax dollars of millions of pro-life Americans to fund research that destroys human embryos.

So as I prepare to yield back to the gentleman, I come to the floor with really a heavy heart. I mean, I believe that the sanctity of life is a central axiom of Western civilization. I believe that ending an innocent human life is morally wrong. But I also believe it is also morally wrong to take the taxpayer dollars of pro-life Americans and use it to fund abortion overseas or to fund research that destroys human embryos when science itself, in the last year and a half, has made it completely unnecessary. It's wrong to take the taxpayer dollars of millions of pro-life Americans and use it to fund research that destroys human embryos when science itself, in the last year and a half, has made it completely unnecessary to do so. And so it was a moment where this administration put ideology over science.

My hope—and, frankly, my prayer—as we enter into this brave new world of science is that we will overtake the practice of ideology over science. Because of all the scientific breakthroughs of not one, but two scientific research teams in 2007 that were able to create embryonic stem cells through a process called induced pluripotent stem cell procedure. Now, this was a miracle of science. And I remember full well, I remember seeing a report on all the major television networks that said that science had rendered the race over destructive embryonic stem cell research moot. It seemed as though science had stepped into one of the most difficult and contentious issues of our times and it had taken it off the table.

Because of these scientific breakthroughs, it would no longer be necessary to even consider using Federal taxpayers to fund research that destroys human embryos because—and the gentleman, I'm sure, will correct me, having forgotten more about this issue than I have—what I believe scientists found that by introducing a virus into adult stem cells, that they would convert into that highly dynamic mode, they would be induced to take the form of pluripotent stem cells, which scientists have long desired—and have, through private funding, appreciated the opportunity—to do research for the purpose of finding cures and therapies. And so it is not actually the case that I believe when President Obama signed an executive order authorizing the use of taxpayer dollars to fund stem cell research that involves the destruction of human embryos, that this administration was putting ideology over science.

I didn't hear a word this week about induced pluripotent stem cells. I heard no reference by the administration or any of its spokesmen, or by the President, to those extraordinary scientific breakthroughs which obviated the need to use my tax dollars and the taxpayer dollars of millions of pro-life Americans to fund research that destroys human embryos.

And it provided a boost to the National Institutes of Health to do research on alternative sources of pluripotent stem cells that prioritizes research with the greatest potential for clinical benefit. He finally fell in love, in other words, with something that had been a commodity that could be destroyed at will.

Let me also say that the Washington Post had an excellent piece today by Kathleen Parker, and the headline was “Behind the Cell Curve, Why is the President Ignoring a Scientific Gift?” I believe the point she made, and the point she missed an opportunity to prove that he is pro-science but also sensitive to the concerns of taxpayers who don’t want to pay for research that requires embryo destruction.”

She points out that “in fact, every single one of the successes,” every one, “in treating patients with stem cell therapy for spinal cord and multiple sclerosis, for example, have involved adult or umbilical cord blood stem cells, not embryonic stem cells.”

“The insistence on using embryonic stem cells always rested on the argument that they were pluripotent, capable of becoming any kind of cell. That superior claim no longer can be made with the spectacular discovery,” as I said at the outset, “in 2007 of ‘induced pluripotent stem cells,’” or iPS cells, “which was the laboratory equivalent of the airplane. Very simply, iPS cells can be produced from skin cells by injecting genes that force the cells to revert to their primitive ‘blank state’ form with all the same pluripotent capabilities of embryonic stem cells.”

“But induced pluripotent stem cells don’t trip easily off the tongue,” she goes on to say, “nor have any celebrities stepped forward to expound their virtues. Even without such drama, however, Time Magazine named iPS cells to its Ten Scientific Discoveries of 2007, and the Journal of Science rated it the number one breakthrough of 2008.
“The iPS discovery even prompted Ian Wilmut, who led the team that cloned Dolly the sheep, to abandon his license to attempt human cloning, saying that the researchers ‘may have achieved what no politician could: an end to the embryonic stem cell debate.’”

And yet now we see that Barack Obama has put that front and center again, choosing politics over science, over ethics, in promoting embryonic stem cell research when the clear future in stem cell research is in the area of induced pluripotent and in the area of adult stem cells.

I would like to yield to Dr. Broun, a distinguished medical doctor, for any comments he might have.

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

As a medical physician, a medical doctor, I'm certainly concerned about my patients, and I can understand people who are in wheelchairs wanting to walk again. I understand people who have Parkinson's disease wanting to not have the rigidity and shakes that they have with that disease and the degradation of their lifestyle that that horrible disease causes. And I also understand those disease which they paint a picture that has not been achieved what no politician could: an end to the embryonic stem cell debate.

But as we look at this issue, I don't think there's a single person with Parkinson's disease or a single person that's in a wheelchair that would be in favor of killing another human being so that they could walk again or so that they wouldn't shake and have the rigidity and all the devastating effects of Parkinson's. I don't think there's a person in this country, in this world, who would say “I'm in favor of killing this 2-year-old little girl or this 6-year-old little boy so that my disease will be cured.”

But the facts are very simple. When we do embryonic stem cell research, we're killing human beings. That's a separate human being. It's a separate entity. And that person has the right to live just like you and I do. We can't forget that. These are people. They may be a one-cell or just a few-cell human beings, individuals, but they are still distinct human beings that have their own genetic makeup, that have their own ability to live if we will just put them in an environment where they can.

Now we've got a friend at home that says that we ought to be able to take our 13 year olds and put them in the ground and dig them up when they're 25 and they'd be a whole lot better. And there are some parents who threaten to kill their teenage children. They wouldn't really. But the thing is we are killing people. We're killing human beings.

And the unfortunate part of this whole discussion is there has been virtually zero, zero, very little, if any, positive push from killing these human beings, bringing about the research on these human beings. There has been very little. Whereas with adult stem cells, with germ cells, we see a tremendous promise. And just as you said, Congressman Smith, the President has put politics and the radical pro-death abortion groups in this country ahead of science. It is a manmade ethical and moral distortion. I don't see things as being in the gray area, particularly on this issue. You're either pro-death or you're pro-life. You're pro-abortion or you're anti-abortion. I have wondered frequently whether this whole issue about embryonic stem cell research was just a mechanism to try to give credence to the abortion industry, just to try to give credence to being able to take that right or at least the designation of personhood away from these human beings that are just one or two cells.

I introduced a bill called the Sanctity of Human Life Act that gives the right of personhood to one-cell human beings. And we have got to stop the killing of human beings. We have got to stop the abortion industry, because in that we kill their teenage children, but they don't give that in medical school, or their oath. It's called the Hippocratic oath.

As a medical physician, a medical doctor, I'm certainly concerned about the abortion industry, just to try to find cures for these diseases as well as many others.

For about 3,000 years, we have fought for the end to the embryonic stem cell debate. Congresswoman Smith for years and years and years has been coming to the floor and introducing legislation and speaking up for human beings that are killed through abortion, killed through embryonic stem cell research, and we have got to stop it. God cannot and will not continue to bless America while we're killing 4,000 babies every day of death. We need to stop it and do everything that we can. And stopping embryonic stem cell research is also extremely important because these are human beings that God has created. He tells us in His Word that he opens the womb and He closes the womb. I believe in the depth of my heart as a physician that he allows those human beings to be formed, even in a petri dish, and we need to protect them. We need to protect the beginning of life; we need to protect the end of life.

When I graduated from medical school from the Medical College of Georgia in 1971, I made a pledge. It's an oath. It's called the Hippocratic oath. They don't give that in medical school, I don't think, much anymore. If ever, and the reason they don't is because of the abortion industry, because in that pledge, in that oath, it says I will not do an abortion. It also says I will do no harm. Embryonic stem cell research kills a billion cells there, and physicians who are doing that are breaking their Hippocratic oath if they take it seriously. It's not a legal document. It's just something that of those of us who believe in doing no harm, who believe in rendering good to our patients and trying to preserve life, that's exactly what we try to do; so we must stop this heinous, and it is heinous, practice of destroying human life. No matter how good somebody paints the picture of this procedure, it's not true. It's not been proven. It's not been true, that it's going to bring about all these good cures, but it's an empty promise. And those who cling to it have been sold a bill of goods. They have been sold a bald-faced lie. It's a lie of a promise that has not shown to have any promise really. There are other research methods, other scientific methods, where we can put more focus where it's needed, of bringing about the crucial cure that we need to help people get out of their wheelchairs, to help cure cancer, to help cure diabetes, to help cure all these diseases that are absolutely critical for us to cure as a Nation, and we need to put the focus where it should be, and that's not on killing people. And that's what embryonic stem cell research does. It kills people. Put it on the things that will save people, things that will cure their disease, hopefully get people out of their wheelchairs and walking, help them to live their lives and be productive in society. I'm all for that, but I am totally against killing embryonic human beings just for the sake of medical experimentation. We must stop it, and I will do everything I can, and I join Congressman Smith's efforts and I applaud his efforts over the years.

I just greatly appreciate all that you've done, my dear friend. And, Mr. Chairman, I just want to tell you in everything that you do to try to stop this heinous practice of killing human beings through abortion, through embryonic stem cell research, and all the other things that you have so valiantly fought against all these years. I thank you.

Mr. Smith of New Jersey. I thank my distinguished colleague Dr. Broun. Thank you for your kind words, but more importantly, thank you for the contribution you make, especially given your background.

I think Americans need to know that when we talk about embryonic stem cell research, we're talking about human beings. That's a separate human being. It's a separate entity. And that person has the right to live just like you and I do. We can't forget that. These are people. They may be a one-cell or just a few-cell human beings, individuals, but they are still distinct human beings that have their own genetic makeup, that have their own ability to live if we will just put them in an environment where they can.

Now we've got a friend at home that says that we ought to be able to take our 13 year olds and put them in the ground and dig them up when they're 25 and they'd be a whole lot better. And there are some parents who threaten to kill their teenage children. They wouldn't really, but the thing is we are killing people. We're killing human beings.

And the unfortunate part of this whole discussion is there has been virtually zero, zero, very little, if any, positive push from killing these human beings, bringing about the research on these human beings. There has been very little. Whereas with
Mr. SMITH of New Jersey. So two patients. And that’s what led Dr. Nathanson. When he was doing blood transfusions at St. Luke’s Hospital and prenatal surgery, and he would say this patient here who deserves respect is getting help he or she needs while in another hospital at that hospital or not, they’re getting dismembered or chemically poisoned or killed by some other toxic substance, and they call that abortion and “free choice.” It is violence against children and it is injurious to all of us. It is not the beginning of life. The Flat Earth Society folks told us that myth.

I just met, Dr. BROUN, with some individuals, a father whose daughter committed suicide in New Jersey some time ago as a direct result of an abortion. She was one of the happiest young women imaginable. Her brother and father came to visit me. She went into a very severe mental, and you probably could speak to that very well, downward slope after she had that abortion. The mental complications are very severe. We’re hearing a lot about embryonic stem cell research, but it is so closely allied to the dehumanization of unborn life and newly created human life. And as I said at the outset, birth is an event that happens to all of us. It is not the beginning of life. The Flat Earth Society folks might say that’s when life begins, but 3D ultrasound, 4D ultrasound, has shattered that myth.

I yield to Dr. BROUN.

Mr. BROUN of Georgia. The reason that the pro-abortion people don’t want ultrasound is because moms look at that baby and they say, “That’s a baby. That’s not just a little glob of tissue. It’s not some amorphous goop that’s there in my womb. It’s a baby.” And it is. And before she ever knows that she has missed a period, I mean by the time she has missed a period and goes a little bit further, that baby already is developing neurological function. It’s already developing a heartbeat. It’s a human being.

And that’s the thing about embryonic stem cell research goes back to the same thing that I mentioned and what you are talking about, and what we all talk about who are pro-life, that life begins when the sperm cell enters the cell wall of the oocyte, the egg. I call it spermatozoon, that’s a medical term for the sperm cell, enters the cell wall of the egg, the oocyte.

It forms a one-cell human being that’s genetically different from the mom. It’s a separate human being. It has everything it needs except for just a good place to live, to become a human being and be a Member of this House of Representatives, to grow up to become a President of the United States. And it’s a human being, nonetheless.

It’s a zygote, which needs to have the right, under law, of personhood. And, in fact, in the Roe v. Wade decision, as you know, as all of us who are pro-life know, the Supreme Court Justice who wrote the majority opinion, Justice Blackmun, said in his decision, that if we could ever define the beginning of life at conception—now I say “fertilization” because the word “conception” has become obscured, they want to obscure all this stuff. But scientists never be determined that that would vacate Roe v. Wade, we have got to protect these people. A society is going to be judged by other societies about how it cares for the most vulnerable in its society, the poor people, the children, the ones most vulnerable of the young people.

And these embryonic cells that have this big scientific name, like embryonic stem cell research, which sounds kind of lofty, but the bottom line is it kills human beings, separate human beings, and we must stop it and we will do everything we can. God cannot and will not continue to bless America while we are doing this.

We look through history how human beings have been experimented on. We see all the time, we hear complaints, particularly from the other side, even the pro-abortion people on the other side, look aghast of how we treat prisoners at Abu Ghraib prison in Iraq and make sure that put women’s underwear on those folks’ heads.

But, on the other hand, they are willing to kill a human being through abortion, through embryonic stem cell research, and it doesn’t matter. The thing that really gets at, Congressman BROUN, and Congressman SMITH, is they want to do it all the way up to the time that baby totally pops out of the birth canal. In fact, that’s what the Freedom of Choice Act is all about. It should be called the Freedom to Kill Babies Act, not the Freedom of Choice Act.

In fact, let me just mention that too as we see that partial-birth abortion, late-term abortions are being promoted by this administration by many in this house. The only medical reason that procedure was ever developed is to guarantee a dead baby by the abortionists. There is no other medical reason, no other medical reason than to guarantee a dead baby.

The abortionists were faced with a problem. They were aborting babies and winding up with a live fetus. Now, the baby’s in Latin means “baby.” They were winding up with a live baby, and what are they going to do with this? They were going to do all the things that they had to do. They had to develop those dilatation extraction procedures, partial-birth abortions to guarantee a dead baby.

So I applaud your efforts to try to help bring forth the truth, and that’s what you have been doing for years, and I applaud you. And that’s why I had to come down here to put in my 2 cents as a medical doctor, to tell the American public that the truth, that there is very little, if any, potential of scientific breakthroughs to treat all these very sick people and the important disease, treat, but there is a light. There is a potential, and it’s through other methods that don’t kill these babies.

Mr. SMITH of New Jersey. I thank the gentleman for his eloquent statement. We have two Members that want to join in. I would just very briefly say, and I would recommend, that those who may be watching this either look at this in the RECORD or Google it. Look, we understand there is a debate and worth of protection, that same principle that the Founders of this country understood when they wrote down the words that started this great experiment that we call America. And they said, ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.’

I always tell folks it’s interesting to note, according to the Founders placed the same principle that the Founders of our country understood when they wrote those words that started this great experiment that we call America. And they said, ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.’

And the Congressman from New Jersey and our friend from Texas who has joined us, know that the science is on our side. All the positive treatments, all the beneficial things that have happened to individuals and their families who love and care about them, have happened through the adult stem cell research, not the stem cell research that destroys human life.
And so we strongly support the use of science in developing the cures and the treatments that are going to help people. And it’s interesting to note the ethical decision is the smart decision, and right now the evidence is all on our side.

Mr. SMITH, for your steadfast adherence to the fundamental principle that life is precious, life is sacred and deserves the protection that the law should offer it.

Mr. SMITH of New Jersey. Thank you, Mr. JORDAN, for your leadership. I think the American public would be pleased to know that you headed up an effort with a Member on the Democratic side, HEATH SHULER, and 180 Members signed a letter to the leadership of the Democratic leadership, asking that these pro-life riders—we do not want our funding, our tax dollars being used to facilitate to kill children.

Mr. JORDAN of Ohio. For just a second, and I appreciate the gentleman bringing that up, we did have a bipartisan press event where we announced 181 Members of Congress, Republican and Democrat, signing a letter to the Speaker of the House, telling the Speaker and the Democratic leadership that we are not going to use your language. This protects human beings. This protects taxpayer dollars. This protects what the vast majority of Americans respect.

Don’t change these procedures. Don’t do what the Obama administration has already done twice, protect these procedures. And if you do mess with it, at least give us the rule so we can have a debate on the floor. At least allow us to play the game, have the debate, the full debate in front of the American people and have the vote.

You can’t get 181 Members to sign anything around here. The fact that we got a bipartisan 181 Members is testimony to the work that the Pro-Life Caucus does and to the importance of this fundamental issue.

Mr. SMITH of New Jersey. Mr. OLSON.

Mr. OLSON. I thank the chairman of the Pro-Life Caucus, my good friend from New Jersey, for leading this discussion tonight on this critical issue, and I want to identify myself with the comments of the speakers who preceded me, the chairman. Chairman PENCE, Dr. BROWN and our good friend, Congressman JORDAN, for their impassioned comments in defense of innocent life.

I rise today out of grave concern over President Obama’s decision yesterday to lift restrictions on Federal funding for human embryonic stem cell research. His decision is financially overburdensome, scientifically unnecessary and morally offensive.

The President’s new executive order opens the door to Federal funding of embryonic stem cell research. Tremendous results have already been found using adult stem cells in the treatment of cancer, diabetes, Parkinson’s disease. Alzheimer’s disease and heart disease. Creating more lines of pluripotent stem cells should be our continued objective. You don’t have to deal with the issues of rejection, and it doesn’t take an innocent life.

This administration continues a disturbing path of spending taxpayer dollars on programs and policies that are deeply offensive to millions of Americans, placing questionable science ahead of morality. Taxpayers are being asked to support an increasingly bloated Federal Government and the administration is moving research from private funding to take advantage of money from President Obama’s economic recovery package for further study of embryonic stem cells.

We know that advances in human life help our economy recover, how does that create jobs? It doesn’t, and this most recent action by the administration is another example of a step too far.

We must not forget the fundamental role of government in our lives, protecting its citizens, particularly the most innocent among us. This administration has not been in office yet for two months, and, yet, three times, it has already overturned our basic security and rights of our citizens. It has forced men and women who do not want their money spent on morally objectionable scientific research to fund research.

They have removed rules that protect medical providers who declined to perform abortions due to personal and religious reasons. And now they have failed to protect the most innocent among us by opening the door to embryonic research and a senseless carding of American life.

Mr. SMITH of New Jersey. Mr. OLSON, thank you very much, and I appreciate your leadership and your consistency in respecting all human life, including the unborn child. So, thank you for joining us today.

Again, I thank my colleague from New Jersey for spearheading this important debate, and I yield back the floor. Thank you.

Mr. SMITH of New Jersey. Mr. OLSON, thank you very much, and I appreciate your leadership and your consistency in respecting all human life, including the unborn child. So, thank you for joining us today.

Let me just make a few final comments, Madam Speaker. While the President and Congress still don’t get it, the breakthrough in adult stem cell research has not been lost on the mainstream press.
For example, on November 21, 2007, Reuters reported, and I quote, “Two separate teams of researchers announced on Tuesday they had transformed ordinary skin cells into batches of cells that look and act like embryonic stem cells, but without using cloning technology and without making embryos.”

The New York Times reported on the same day, and I quote, “Two teams of scientists reported yesterday that they had turned human skin cells into what appears to be embryonic stem cells without having to make or destroy an embryo—a feat that could quell the ethical debate troubling the field.”

The AP said, “Scientists have created the equivalent of embryonic stem cells from ordinary skin cells, a breakthrough that could someday produce new treatments without the explosive moral questions of embryo cloning.”

Even University of Wisconsin’s Dr. James Thomson, the man who first cultured human embryonic stem cells, told the New York Times, and I quote, “Now with the new technique, it will not be long before the stem cell wars are a distant memory. A decade from now, this will just be a funny historical footnote.”

Dr. Thomson told the Detroit Free Press, “While ducking ethical debate wasn’t the goal, it is probably the beginning of the end of the controversy over embryonic stem cells.”

If only that were true because, unfortunately, on Monday our Federal taxpayers’ dollars will be used now to destroy embryos to derive their stem cells, even though they become tumors, if ever put into an individual, would be rejected and, of course, we know that they kill the donor when they are taken.

In Medical News Today, Dr. Thomson said, and I say this again, “Speaking about the latest breakthrough, the“induced pluripotent stem cells” can do. It’s going to completely change the field,” he said. Again, this is the doctor who, in the late 1990s, gave us embryonic stem cells. He is saying induced pluripotent stem cells, those derived from your skin and mine, can be embryo-like, and really is the hope of regenerative medicine.

Ten days ago, more good news. No, I would actually say it is great news on the induced pluripotent stem cell front. Researchers in the United Kingdom and Canada published two papers in the prestigious scientific journal, Nature, announcing that they had successfully reprogrammed ordinary skin cells into induced pluripotent skin cells without the use of viruses to transmit the reprogramming genes to the cell. “With their new discovery, which they used a piggyback system, as they called it, they were able to insert DNA where they could alter the genetic makeup of the regular cell before making cell lines.”

“According to many scientists, the removal of potentially cancer-causing viruses means that this breakthrough increases the likelihood that iPS cells will be safe for clinical use in human patients. The lead scientist from Canada, Andras Nagy, was quoted in the Washington Post saying—this is just a week ago—‘It’s a leap forward in the safe application of these cells. We expect this will have a massive impact on this field.’”

George Daley at Children’s Hospital in Boston said, and I quote, “It is very significant. I think it’s a major step forward in realizing the value of these cells in the future.”

Many people seem to be getting it, except for Mr. Obama, who clings to the old hype and the hyperbole concerning the efficacy of embryo-destroying stem cells. Science has moved on. It’s about time the politicians caught up.

This breakthrough suggests—remember, it’s just 2 weeks ago, this newest breakthrough—that the momentum has decisively, and I hope irrevocably, swung to noncontroversial stem cell research, like iPS stem cells, and away from embryo-destroying research.

The lead scientist from the UK was quoted in the BBC saying, “It is a step towards the practical use of reprogrammed human cells, perhaps even eliminating the need for human embryos as a source of stem cells.”

Time Magazine reports on the efficacy of the advantage of iPS stem cells saying, “The induced pluripotent stem cell technology is the ultimate manufacturing process for cells. It is now possible for researchers to churn out unlimited quantities of a patient’s stem cells, which can then be turned into any of the cells that the body might need to repair or to replace.”

Madam Speaker, there was an excellent op ed in the Wall Street Journal yesterday, which I read just a few paragraphs from, which I think really highlights and underscores the profound ethical issues we are facing. It was written by Robert George and Eric Cohen. The title, the President Politicizes Stem Cell Research. Taxpayers Have a Right to be Left Out of It.

“One day ago, President Barack Obama issued an executive order that authorizes expanded Federal funding for research using stem cells produced by destroying human embryos. The announcement was classic Obama—advancing radical policies while seeming calm and moderate in medicine, among the gospel of civility while accusing those who disagree with the policies of being ‘divisive’ and even ‘politicizing science.’”

“Mr. Obama’s executive order overruled an attempt by President George W. Bush in 2001 to do justice to both the promise of stem cell science and the demands of ethics. The Bush policy was to allow the government to fund research on existing embryonic stem cell lines, where the embryos in question are already removed and destroyed. But it would not fund or in any which incentivize the ongoing destruction of human embryos.”

“For years, this policy was attacked by advocates of embryo-destructive research. Mr. Bush and the ‘religious right’ were depicted as antiscience villains and embryonic stem cells scientists were seen as the beleaguered supporters of the sick. Mr. Bush’s policy was one of moderation. It did not ban new embryonic-destructive research, and did not fund new embryo-destroying research either;”

“Moderate’ Mr. Obama’s policy is not. It will promote a whole new industry of embryo creation and destruction, including the creation of human embryos by cloning for research in which they are destroyed. It forces American taxpayers, including those who see the deliberate taking of human life in the embryonic stage as profoundly unjust, to be complicit in this practice.”

“Mr. Obama made a big point in his speech of claiming to bring integrity to a policy, and his desire to remove the previous administration’s ideological agenda from scientific decision-making. This claim of taking science out of politics is false and misguided on two counts.”

First, the Obama policies themselves are blatantly political. It is red meat to his Bush-hating base. It pays no more than lip service to recent scientific breakthroughs,” that I would note parenthetically. I and my colleagues have been talking about tonight, “that makes possible the production of cells that are biologically equivalent to embryonic stem cells without the need to create or kill human embryos.”

“second, and more fundamentally, the claim about taking politics out of science is, in the deepest sense, anti-Democratic. The question of whether to destroy human embryos for research purposes is not fundamentally a scientific question. It is a moral and civic question about the proper uses, ambitions, and limits of science; it is a question about how we govern ourselves when it comes to exploring non-embryo-destructive sources of stem cells.”

“Second, and more fundamentally, the claim about taking politics out of science is, in the deepest sense, anti-Democratic. The question of whether to destroy human embryos for research purposes is not fundamentally a scientific question. It is a moral and civic question about the proper uses, ambitions, and limits of science; it is a question about how we govern ourselves when it comes to exploring non-embryo-destructive sources of stem cells.”

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"We can only hope in the years ahead that scientific creativity will make embryo destruction unnecessary and that, as a society, we will not pave the way to the brave new world with the best medical intentions."

Madam Speaker, I just conclude by saying that despite all of the new and the extraordinary processes in adult stem cell research and applications, despite these magnificent breakthroughs in induced pluripotent stem cells, a part of adult stem cells, the Obama administration and, I am sad to say, the leadership of this House, remain fixated on killing human embryos for experimentation at taxpayers’ expense.

The alternative has continued and will continue to prove itself to be highly efficacious. That is to say, adult stem cells. We don’t need to kill human embryos to effectuate cures and to mitigate disease.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL, of New York (at the request of Mr. BROOKS of Indiana) for today through March 16 on account of a death in the family.

Ms. KOSMAS (at the request of Mr. HOYER) for today on account of attending the shuttle launch in her district.

Mr. BRIGHT (at the request of Mr. HOYER) for today for the purpose of attending the shuttle launch in her district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(‘The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

The following Members (at the request of Mr. BUTROX of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 16.

Mr. JONES, for 5 minutes, March 18.

Mr. LAUKER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 6, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1105. Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

827. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Boat Fire Miami Beach Marina (Docket No. USCG-2008-0248) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Vessel EX-YFRT 267, Nantasket Roads, MA (Docket No. USCG-2008-0247) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Vessel EX-YFRT 276, Nantasket Roads, MA (Docket No. USCG-2008-0246) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; BAYEX 2008 Full Scale Exercise Phase One Operations; Alameda, CA (Docket No.: USC-2008-0281) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI. (Docket No.: USCG-2008-0302) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0237) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0238) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0242) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0243) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

836. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0244) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

837. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0245) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

838. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0246) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

839. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0247) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0248) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0249) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0250) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0251) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0252) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0253) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Johns Pass, FL (Docket No. USCG 2008-0254) (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. H. Res. 235. A resolution providing for consideration of the Concurrent Resolution on the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes (Rept. 111–36). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LUCAS (for himself and Mr. NEUGRAEBER):

H.R. 1436. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. PALLONE, Mr. DEAL of Georgia, and Mr. SCHUMER):

H.R. 1427. A bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogenetic biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1438. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to providewartime disability compensation for certain veterans with Parkinson’s disease; to the Committee on Veterans’ Affairs.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Louisiana, Mr. LAURIE of California, and Mrs. CHRISTENSEN):

H.R. 1429. A bill to provide for an effective HIV/AIDS program in Federal prisons; 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. PASCRELL (for himself and Mr. CANTOR):

H.R. 1430. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; 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. BISHOP of Utah (for himself, Mr. SHADROG, Mr. SULLIVAN, Mr. BOOZMAN, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. BURGESS, Mr. FRANKS of Arizona, Mr. AKIN, Mr. MCMENY, Mr. LEWIS of California, Mr. FOXX, Mr. MACARTHUR, Mr. BOUSTANY, Mr. PITTS, Mrs. MYRICK, Mr. BROUN of Georgia, Mr. RADANOVICH, Mrs. MCDERMOTT of New York, Mr. MELISSA ROGERS, Mr. McCArTHY, Mr. THARP, Mr. FLEMMING, Mr. LATTA, Mr. YOUNG of Alaska, Mr. LAMBORN, Mr. BACHUS, Mr. NEUGRAEBER, and Mr. MCCOTTER):

H.R. 1431. A bill to bolster the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, the Committee on Commerce, and Science and Technology, 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. BLACKBURN (for herself, Mr. COBLE, Mr. MARCHANT, Mr. HERROSS, and Mr. OETTLE): H.R. 1432. A bill to reduce youth usage of tobacco products, to enhance State efforts to eliminate retail sales of tobacco products to minors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H.R. 1433. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for volunteer firefighters; to the Committee on Ways and Means.

By Mr. COFFMAN of Colorado:

H.R. 1434. A bill to amend the National Trails System Act to establish Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 1436. A bill to provide for the evaluation of Government programs for efficiency, effectiveness, and accountability; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1437. A bill to establish a Southern Border Security Task Force to coordinate the efforts of Federal, State, and local border and law enforcement officials and task forces to protect United States border cities and communities from violence associated with drug trafficking, gunrunning, illegal alien smuggling, violence, and kidnapping along and across the international border between the United States and Mexico; to the Committee on Homeland Security, 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. FORTENBERRY:

H.R. 1438. A bill to prohibit any Federal agency or official, in carrying out any Act or program to reduce the effects of greenhouse gas emissions on climate change, from imposing a fee or tax on gaseous emissions emitted by livestock; 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. ISRAEL:

H.R. 1439. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary, and in addition to the Committee on Foreign 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 Mr. LOBIONDO (for himself, Mr. YOUNG of Alaska, and Mr. OLSON):

H.R. 1440. A bill to amend title 46, United States Code, to improve maritime law enforcement; to the Committee on Transportation and Infrastructure, 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. MARCHANT (for himself, Mrs. EMERSON, Mr. SESSIONS, Ms. GRANGER, Mr. BRALEY of Iowa, and Mr. GRIJALVA):

H.R. 1441. A bill to amend title XIX of the Social Security Act to allow States to permit certain Medicaid eligible individuals who are extremely heavy annual lifetime orophan drug costs to continue on Medicaid notwithstanding increased income; to the Committee on Energy and Commerce.

By Mr. MATHIRSON:

H.R. 1442. A bill to provide for the sale of the Federal Government’s reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; to the Committee on Natural Resources.

By Ms. MATHESON (for herself, Mrs. TAUSCHER, Mrs. MALONEY, and Mr. WU):

H.R. 1445. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Transportation and Infrastructure.

By Mr. MCDERMOTT (for himself, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, Mr. KENNEDY, and Mr. VAN HOLLEN):

H.R. 1444. A bill to establish the Congressional Commission on Civic Service to study methods of improving and promoting volunteerism and national service, and for other purposes; to the Committee on Education and Labor.

By Mr. McHENRY:

H.R. 1445. A bill to amend the Securities Exchange Act of 1934 to require nationally registered statistical rating organizations to provide additional disclosures with respect to the rating of certain structured securities, and for other purposes; to the Committee on Financial Services.

By Mr. NORTON:

H.R. 1446. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of pre-eminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations to the District of Columbia Council concerning the authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mrs. MYRICK, Mr. BALDWIN, Mr. PAUL, and Mr. GERLACH):

H.R. 1447. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farm-land development rights; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. TEAGUE, Mr. GIFFORDS, Mr. ORTIZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FIELDS, Mr. EWASHUK, Mr. GENE GREEN of Texas, Mr. CUELLAR, and Mr. REYES):
H.R. 1448. A bill to authorize the Secretary of Homeland Security and the Attorney General to increase resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations and for other unlawful activities by providing for border security grants to local law enforcement agencies and reinsurance of Federal resources on the border, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, and Foreign Affairs, to which the bill was referred, 2nd cosponsored by Mr. GREEN of California, Mr. G.E. GREEN of Texas, Mr. REILLY of New York, and Mr. SMITH of New Jersey.

H.R. 154. Mr. ROGERS of Michigan and Mr. SCHAUER.

H.R. 155. Mr. BOSWELL, Mr. WILSON of South Carolina, and Mr. MCCOTTER.

H.R. 173: Mr. MINNICK.

H.R. 182: Mr. PASTOR of Arizona and Mr. ORTIZ.

H.R. 226: Mr. ARCURI.

H.R. 302: Mr. BOUCHER and Mr. KINSTON.

H.R. 303: Ms. ROS-LEHTINEN and Mr. MICA.

H.R. 336: Mr. JACKSON of Illinois and Ms. HIRONO.

H.R. 345: Mr. SOUTER, Mr. CARNEY, Mr. WELCH, and Mr. BAIRD.

H.R. 347: Mr. NUNES, Mr. MCCINTOCK, Mr. McKEON, Mr. ROHRABACHER, Mr. HERGER, WATERS, Mr. RUPPERSBERGER, Ms. VELAZQUEZ, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. HINOJOSA, Mr. MATSUH, Mr. STARK, Ms. RICHARDSON, Mr. ISA, Mr. BLUMENAUER, and Mr. PALLONE.

H.R. 406: Mr. LIUJAN, Mr. ORTIZ, Mr. POLIS, Mr. ISHII, Mr. WATSON, Mr. MECK of Florida, and Ms. TITUS.

H.R. 442: Mr. MINNICK.

H.R. 450: Mr. Poe of Texas.

H.R. 510: Mr. GORDON of Tennessee and Mr. MASSA.

H.R. 537: Mr. ROTHMAN of New Jersey and Mr. VICINOSKY.

H.R. 577: Ms. SLAUGHTER.

H.R. 666: Mr. POLIS and Mr. BOREN.

H.R. 667: Mr. McMATH and Ms. BORDALLO.

H.R. 716: Mr. DREHUS and Ms. ZOR LOUPFEN of California.

H.R. 764: Mr. AKIN.

H.R. 864: Mr. MCTYRE.

H.R. 877: Mr. MILLER of Florida, Ms. FOXX, and Mr. SMITH of New Jersey.

H.R. 881: Mr. GARRETT of New Jersey, Mr. ALEXANDER, and Mr. PETRI.

H.R. 903: Mr. SPACE, Ms. KILROY, and Ms. HOLDEN.

H.R. 913: Mr. YARMUTH and Mr. CAPUANO.

H.R. 930: Mr. LATHAM, Mr. WOLF, and Ms. BALDWIN.

H.R. 934: Mr. FALKOMAVRIO, Mr. PIERLUISI, Mr. RAHALL, Ms. CHRISTENSEN, Mr. ABREU, Mr. NEY, and Mr. PALLONE.

H.R. 953: Mr. LATTA.

H.R. 964: Mr. TERRY.

H.R. 968: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 981: Mrs. CAPPS, Mr. HOLT, and Mr. KUCINICH.

H.R. 988: Mr. BOREN, Mr. MILLER of Florida, and Mr. PALLONE.

H.R. 1016: Mr. TIM MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. BRALEY of Iowa, and Mr. AL GREEN of Texas.

H.R. 1020: Mr. CONNOLLY of Virginia.

H.R. 1023: Mr. MANZULLO.

H.R. 1026: Mr. GOODLATTE.

H.R. 1056: Mr. ALEXANDER, Mr. JONES, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, and Mr. BOOZMAN.

H.R. 1064: Ms. MATSUH, Mr. BUTTERFIELD, Mr. SARLAN, and Mr. MCKINLEY.

H.R. 1067: Mr. MICHAUD and Mr. GONZALEZ.

H.R. 1079: Mr. BOREN, Mr. GOODMAN, and Mr. WOLF.

H.R. 1126: Mr. LOBSACK, Mr. McDERMOTT, Mr. BISHOP of New York, and Mr. HARE.

H.R. 1130: Mr. BOREN and Mr. DOYLE.

H.R. 1156: Mr. ROSKAM.

H.R. 1158: Mr. SMITH of Nebraska and Mr. LOBSACK.

H.R. 1160: Mr. DAVIS of Alabama.

H.R. 1176: Mr. McCAIN of Arizona and Mr. BILIRIKIS.

H.R. 1189: Ms. SCHAKOWSKY and Mrs. CAPPS.

H.R. 1204: Mr. WAMP, Mr. SKELTON, and Mr. ROGERS of Kentucky.

H.R. 1207: Ms. GRAYSON and Mr. MARCHANT.

H.R. 1210: Mr. PLATT'S, Mr. BROWN, Mr. TIBERI, Mr. WOLF, Ms. SPEIER, Mr. ALTMIRE, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, and Mr. TITUS.

H.R. 1220: Mr. SIMPSON.

H.R. 1228: Mr. MANZULLO.

H.R. 1234: Mr. PLATTS.

H.R. 1236: Mrs. MYRICK.

H.R. 1255: Mr. OLIVER, Mr. BARROW, Mr. GUTIERREZ, Mr. GRIJALVA, and Mr. CULBERSON.

H.R. 1261: Mr. WHITFIELD.

H.R. 1268: Mr. BARTON of Texas, Mr. JONES, and Mr. PITTS.

H.R. 1270: Mr. JOHNSON of Georgia, Mr. TONKO, and Ms. LOWEY.

H.R. 1279: Mr. ROONEY.

H.R. 1288: Mr. DAVIS of Tennessee, Mr. ROONEY, and Mr. ROONEY.

H.R. 1297: Mr. GEGG.

H.R. 1305: Mr. SAM JOHNSON of Texas, Mr. LATTA, and Mr. ROGERS of Kentucky.

H.R. 1308: Mr. MONEY, Mr. YOUNG of Alaska, and Mr. GEHRACH.

H.R. 1319: Ms. DEGETTE.

H.R. 1332: Ms. Clarke, Mr. SCHIFF, Mr. PITTS, Mr. DAVIS of Tennessee, and Mr. ROONEY.

H.R. 1349: Ms. KOSMAS, Mr. KAPTUR, and Mr. TERRY of Ohio.

H.R. 1362: Mr. LEE of California, Mr. TAYLOR, Mr. BISHOP of Georgia, Mrs. LUMMIS, Mr. EMERSON, and Mr. SCHUMER.

H.R. 1392: Mr. MECK of Florida.

H.R. 1403: Ms. EMERSON.

H.R. 1496: Mr. LATOURETTE.

H.R. 1410: Mr. ELLISON.

H.R. 1414: Ms. BLACKBURN, Mr. GOMHERT, Mr. CHAFFETZ, Mr. BROWN of Georgia, Mr. BROWN of California, Mr. CULBERSON, Mr. MANZULLO, Mr. WAMP, Mr. LATTIA, Ms. FALLIN, Mr. McHENRY, Mr. BURGESS of Texas, Mr. McHUIL, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGO, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, and Mr. KING of Iowa.

H. Con. Res. 29: Mr. LAMBORN, Mrs. BLACKBURN, and Mr. HIRSCHLING.

H. Con. Res. 33: Ms. JACKSON-LEE of Texas.

H. Con. Res. 49: Ms. SCHAKOWSKY.

H. Con. Res. 61: Mr. KUCINICH.

H. Con. Res. 64: Mr. BISHOP of Georgia and Mr. PASCHEL.

H. Res. 111: Mr. THIEME and Mr. MELTZER.

H. Res. 112: Mr. BISHOP of Georgia.

H. Res. 113: Mr. THOMSON of Mississippi and Mr. GEHRACH.

H. Res. 114: Mr. THIEME.

H. Res. 115: Mr. TIAHRT, Mr. LANCE, Mr. WALZ, Mr. KLINK of Minnesota, Mr. BROWN of South Carolina, Mr. ARCURI, Mr. TANNER, and Mr. RAY of Ohio.

H. Res. 156: Mr. FRANKS of Arizona.

H. Res. 178: Mr. ABERCROMBIE.

H. Res. 181: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPIVAK, Mr. FULNER, Mr. ROONEY, Mr. SCHAUER, and Mr. COOPER.

H. Res. 223: Mr. MARCHANT, Mr. CAO, and Mr. GALLEGLY.

H. Res. 224: Mr. PITERS, Mr. OLSON, Mr. WEHLER, Mr. BORDEALLO, Mr. SNYDER, Mr. WEAVER, Ms. HORSFORD of Nevada, Mr. McNEIRNEY, Mr. HARE, Ms. EDDIE BERNICK of Johnson of Texas, and Mr. SESTAK.

H. Res. 226: Mr. EDWARDS of Maryland, Mr. LEVIN, Ms. ESHOO, and Mr. ACKERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule 2XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The Amendment No. to be offered by Mr. OSDER of Minnesota, or his designee, to H.R. 1262 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.
The Senate met at 11 a.m. and was called to order by the Honorable Michael F. Bennet, a Senator from the State of Colorado.

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

> Let us pray.

O Lord, our Saviour. Your word reminds us that to whom much is given, much will be required. Look with favor upon our lawmakers today. May they endeavor this and every day to be what You command. Give them ears to hear the inner voice of Your holy spirit, who searches the depths of their hearts, in order to lead them to Your truth. Imbue them with wisdom to face every challenge with grateful dependence upon You. Lord, let Your creative power touch them so that they will find solutions to the problems that beset our land. Free them from anxiety and fear, as they discover the independence which comes from trusting Your sovereignty.

We pray in the Redeemer’s Name. Amen.

**PLEDGE OF ALLEGIANCE**
The Honorable Michael F. Bennet 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 assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Michael F. Bennet, a Senator from the State of Colorado, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

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

**RECOGNITION OF THE MAJORITY LEADER**
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. Reid. Mr. President, following leader remarks, the Senate will proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each. The Republicans will control all the morning business time; that is, until 11:30. Following morning business, the Senate will proceed to executive session to consider the nomination of David Ogden, to be Deputy Attorney General. The time until 4:30 p.m. will be equally divided and controlled between the two leaders or their designees. Under an agreement reached last night, the vote on the confirmation of the Ogden nomination will occur at a time to be agreed upon tomorrow.

We are also working on a number of other nominations. We are going to spend this week on nominations—at least the next day or so. We are working on Thomas Perrelli to be Associate Attorney General and a number of others. We hope the Republicans will work with us on getting some of these nominations cleared. We are glad we got a couple of the Council of Economic Advisers done last night. I appreciate that good work. We will see what happens as the day proceeds.

This is a day with no votes. Certainly, I think we deserve that, based on what we have been through in the last several weeks. We are going to have our annual meeting with the Supreme Court Justices tonight. I remind all Senators of that. It is one of the rare times when the two branches of Government meet in a social setting where we will have the Supreme Court Justices and the Senators there in the Supreme Court. It has been very helpful in years past, and I am confident it will be a very nice event tonight. 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. Gregg. 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.

**RESERVATION OF LEADER TIME**
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**
The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time controlled by the Republicans.

The Senator from New Hampshire.

Mr. Gregg. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

**PRESIDENT’S BUDGET**

Mr. Gregg. Mr. President, I wish to address, again, the issue of the budget as proposed by the President of the United States, which is about to be

*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.*
taken up by the Budget Committees of the Senate and the House, and its implications for us as a nation because the implications of it are rather dramatic.

Now, I understand—and all of us on our side of the aisle understand that the last election was won by the President and his party, that the Democratic Party now controls both the House and the Senate and the administration and, therefore, they have absolute responsibility and the right to send us a budget which reflects their priorities. But I think we ought to have openness as to what the implications of that budget are relative to the future of our Nation, and they are dramatic.

As you look at the budget that has been proposed by this administration, it represents the largest expansion of Government in our history. It is a proposal which is essentially moving the Government into arenas with an aggressiveness that has never been seen before. For example, the largest tax increase in history, as well as the fastest increase in the debt of our Nation in history.

The taxes go up by $1.4 trillion under this budget. Discretionary spending, which is spending that is not entitlement spending, goes up by $725 billion. Entitlement spending—which are things such as health care—goes up by $1.2 trillion. Yet there is no effort to save money in this budget to reduce the cost of spending and the cost of the Government. Instead, there is an expansion of the Government in this rather aggressive way.

The practical effect of this is that within 5 years the debt of the United States held by the public will double. That means in the first 5 years of this administration—presuming it is re-elected—they will have increased the debt more than the debt was increased since the founding of the Republic all the way through the Presidency of George W. Bush; they will have doubled the debt of the country.

In 10 years, because of this massive expansion in the size of the Government, they will triple the debt of the country.

What does “debt” mean? What does tripling the debt from $5.8 trillion to $15 trillion in 10 years mean? Well, basically, it means Americans coming into the workforce, Americans of the next generation and the generation that follows that generation, will bear a burden from our generation—that the costs of today are being offloaded onto our children. The result of that is very simple. Our children and our grandchildren will have a country which will not give them as much opportunity as our country has given us because the burden from our generation will be weighing them down. The costs we have run up as a generation and passed on to them will set them behind the starting line and will end up having less opportunity to buy a house, send their kids to college, live a quality of life we have lived because they will start out with a debt and a burden of a government which exceeds, in many instances, their ability to pay.

We are, under this proposal, heading the Nation into an untenable situation. In the area of deficits, which translates into what happens at the end of the year when our bills come in. If you have more bills than you have income, you end up with a deficit. That, then, becomes debt.

In the area of deficits, this budget takes us dramatically in the next 2 years to an all-time high—a number that is hardly even contemplateable—a $1.7 trillion deficit this coming year. That is 28 percent of gross national product being spent by the Federal Government.

Now, I am willing to accept this number and not debate it because we are in a recession. It is necessary for the Government to step in and be aggressive, and the Government is the last source of liquidity. So one can counter that argument, but it is a horridly large, is something we will simply have to live with. What one can’t accept is what happens in the outyears—rather than bringing this deficit down to a reasonable number, a number we can live with for our children and our children’s children to bear—because the President is proposing to expand the Government dramatically, its size and its cost. He is proposing deficits as far as the eye can see of 3 to 4 percent of gross domestic product.

What does that mean, 3 to 4 percent of gross domestic product? Well, historically, the deficit of the United States over the last 20 years has been 1.9 percent of gross domestic product. It means every year we are adding so much more debt than we can afford to our Nation that our children, again, will have less opportunity to succeed.

To put it in numbers terms, historically, the deficit of the Federal Government over the last 20 years has been 1.9 percent of gross domestic product. In these outyears—ignoring this situation which is driven by the very severe recession—in these outyears, the public debt compared to the gross domestic product will stay at about 67 percent of gross domestic product, not 40 percent, which is sustainable but 67 percent. Those are numbers which, if we were in another part of the world, would be described as a Banana Republic because they are not sustainable and the debt we are up to a cost which is not affordable. Those are the numbers which are driving the tripling of the national debt in 10 years.

One may say, well, where does that all come from, all this expansion of debt? Is this going to be put on our children’s backs? It comes, quite simply, from spending. This administration has proposed the largest increase in the size of the Federal Government in our history, a massive shift to the left of the Government.

The chart which shows the historical spending of the Federal Government as a percent of GDP. Historically, this line right here reflects the mean, which has been somewhere around 20 percent of gross national product. That is a big chunk of the gross national product to be spending on the Federal Government, but that is what we have been doing. With the recession, obviously, it spikes up to 28 percent, but the administration doesn’t plan to bring it down to historical levels; rather, they intend to keep spending at around 22 to 23 percent of gross national product. That is not affordable. It is not sustainable.

Why is it not sustainable? Because they don’t increase taxes to that level. If they did, they would basically be creating a confiscatory situation for young people who are going into the workforce; rather, they simply run up debt to try to cover that difference at a catastrophically fast rate. We have to bring this spending line down if we are going to have a responsible budget.

Now, why does this go up so much? Why does this spending level go up so much? Why? Well, it goes up so much because essentially they are planning to nationalize large segments of the economy; to have the Government take over the responsibility for large segments of the economy. The most specific area they do this in, because essentially they are planning to nationalize large segments of the economy, is education. The most specific area they do this in is in educational loans, where today we have what is known as the public-private balance, where some people get their loans directly from the Federal Government and some people get their loans from the private sector. They are going to end that policy, and they are going to have the Federal Government take over all lending. That is the most specific. However, if you look at their health care policy, they are moving in that direction too. They have suggested in this budget that we should increase health care spending as a downpayment for $634 billion. That is a downpayment. The actual number of the increase is closer to $1.2 trillion in non-health care spending.

What does that really mean? Well, essentially we as a government and we as a nation spend 17 percent of our gross national product on health care. That is much more than any other industrialized nation in the world spends. The next closest nation spends about 12 or 11 percent. So it isn’t that we are not spending enough on health care in this country; it is that we don’t use it very well—the money. We don’t allocate it very well, and we don’t use it efficiently.

What the administration suggests is that we should expand that spending in the area of health care by another $1.2 trillion, as they move the Federal Government into the role of basically deciding how health care should be managed in this country, in a much more direct way. That is one of the reasons this spending line stays up so high.

At the same time, they are suggesting massive new tax increases—massive new tax increases. The largest tax increases in history. Now, this has been covered with the argument that, oh, this is just going to tax the
wealthy; the rich among us are going to be the ones who pay these taxes. Well, that is a canard. That is a straw dog. When you start increasing taxes at the rate they are proposed to be increased in this budget—$1.4 trillion of new taxes—you are going to hit everybody. You are going to hit everybody pretty hard.

There is in this budget proposal something that is euphemistically called a carbon tax. That is a term of art to cover up what it really is. It is a national sales tax on your electrical bill. It is estimated by MIT, a fairly objective institution, that this national sales tax on your electrical bill will raise around $300 billion a year. That is $300 billion a year that will be added to your electrical bill. The administration says it is $64 billion, but the same program they are talking about when looked at by an objective group at MIT, they concluded the real cost would be $300 billion. Whether it is $34 billion, it is a new tax that is going to affect every American when they get their electrical bill.

In addition, they have this tax which they call the wealthy tax. People making over $250,000, they are essentially going to penalize their income and say: If you make more than $250,000 we are going to raise your tax rate up to an effective rate of 42 percent. Well, I guess if you don’t make that type of money, it probably doesn’t bother you, but the people who are making $250,000. For the most part, they are small business people. They run a restaurant. They run a small software company. They run a small manufacturing firm. They are the people who create jobs in this country. Most small businesses are sole proprietorships or subchapter S corporations. The money they make is taxed to the individual who runs the small company. Whether it is a restaurant or a software company, or a small manufacturer, it is taxed to them personally.

What do they do with that money? They take it and they invest it in their small business. Where are jobs created in this Nation? They are created by small business. This is a tax on small business. Then, of course, they raise the capital gains rates. They raise the dividend rates. Aren’t we in a recession? Why would you raise taxes on the productive side of the economy when you are having a recession? Is that not destructive to getting out of the recession? No. In fact, the stock markets are saying exactly that. They are looking at this budget and saying: Wow, this is the largest increase in the Government ever proposed, and it is going to be borne by the people who are the entrepreneurs and the small business people.

So do we really want to invest in America? Do we really want to put our money into the effort to try to make this country grow? Second thoughts. That is what is happening in the stock market. It is not constructive to economic growth.

Tax policy has to be constructed in a way that creates an incentive for people to go out and take risks. It creates an incentive for people to be willing to take their money and invest in something that is going to create jobs. When it is said to someone we are going to take the next dollar they make and throw State and local taxes on top of that—for example, in New York, it would amount to almost 60 percent of the next dollar they make—people start to think: Well, why should I invest in what is not a taxable event? Let me invest in something that is not a taxable event.

So instead of getting an efficient use of capital, people are running around investing their money to try to avoid taxes. As a result, we don’t create more jobs; we just create more tax attorneys. Well, maybe that is jobs. I used to be a tax attorney, so I shouldn’t pick on tax attorneys, but as a practical matter, it is not an efficient way to use capital.

We saw over the last 7 years prior to this recession—and granted, this recession has created an aberration for everything that is economic—we had a tax policy which saw the largest increase in revenues for 4 straight years that this country has ever experienced. We saw a tax policy which basically stood on its head the idea that if we maintain a low tax burden in capital gains, we would collect less taxes. In fact, we collected much more taxes from capital gains. In fact, over the last 7 years, because of the tax policy that was in place, the Tax Code became more progressive. The top 20 percent of income producers in this country ended up paying 85.7 percent of the income taxes in the country. That was compared with the Clinton years when the top 20 percent of income producers in this country paid 62 percent of the taxes.

At the same time, the bottom 40 percent of people receiving income in this country ended up getting twice as much back because they don’t pay income taxes and they get a rebate in many instances through the EITC. They ended up getting twice as much back than during the Clinton years. So you actually had in the last 7 years a tax policy that encouraged growth, encouraged entrepreneurship, encouraged job creation, which was generating more revenues to the Federal Treasury, and yet being more progressive than it was ever during the period of the Clinton years.

What the administration has suggested is, we should not only go back to the Clinton years, we should do even more by taking an effective rate that will even go above the rate of the Clinton years to 42 percent, 41 percent. It makes no sense, especially in a time of recession, to basically have that sort of attack on small business and job producers in our Nation.

So this is a statement of policy which is pretty definitive, and I don’t believe it is very constructive. It is a statement of policy which says we are going to radically expand the spending in this country. We are going to radically expand the size of Government in this country. We are going to end up after 5 years with Government that we can’t afford, that is spending more than any time in our history, and they are running up deficits which are going to compound the problems for our children. It is not constructive, in my opinion. I think we can do a lot better, and we can do it this year rather than wait.

Mr. President, I yield the floor.

THE ECONOMY

Mr. ISAKSON. Mr. President, first of all, I wish to commend the distinguished Senator from New Hampshire. As a Member of the Senate, there are many people I look to for wisdom and knowledge, and JUDD GREGG is one of them. In my hometown of Atlanta, GA, there is another person I look to for wisdom and knowledge, and that is my barber, Tommy.

I got a haircut, as you can probably tell, on Saturday. I was at Tommy’s Barbershop on West Paces Ferry Road and Northside Drive in Atlanta. While in that barbershop, I talked to a real estate broker, a stock broker, a pension fund manager, and a good old, average, everyday American retiree trying to figure out how he is going to make it on what the markets have done to him in the last year or so.

It is ironic—and I had no plan to make this speech behind JUDD GREGG—but they talked to me about only two things. The first one was debt because last Saturday was just a week after the announcement of a $3.6 trillion budget, a 20-percent increase; an increase in taxes and concern because at a time of economic peril America is bearing more and more more.

The other thing is that I rise to talk about today. We have looked into the mirror to look for the enemy, but we have avoided looking at ourselves. For a second I wish to talk through regulatory policy. I am talking about both administrations: the end of the Bush administration and the beginning of the Obama administration. I think we have been missing the mark. I wish to share some real-life stories about real-life Georgians that indicate where mark-to-market accounting is going in the United States of America, the businesses of the United States of America, and the people of the United States of America.

Some of my colleagues have watched television and watched the AFLAC duck commercials. I think they are the best commercials on television. I also think AFLAC is one of the finest companies in the United States of America. When we consider AFLAC and Dan Amos, the CEO of AFLAC, his input in stockholder consent and stockholder advice on his compensation and repealed his own golden parachute.
those things we all complain about CEOs doing, he did it right. But stock has plummeted in AFLAC. Do you know why? Because of the FASB rules on mark to market, his core asset base, which is long-term assets, held to maturation, to project against insurance commitments, AFLAC has now being marked to market, meaning assets worth something are being marked worth nothing.

So the stock has gone down because the expectations the footnotes on the asset side of the ledger sheet weren’t looking as good because of the mark to market. Let me explain the best I can that really means.

Mortgage-backed securities are one investment a lot of life companies and other industries bought to put on their asset sheet to offset obligations they have off into the future because those securities have maturities corresponding with the maturities of the loans embedded within them of anywhere from 5 to 30 years. When the subprime market started failing last year, Merrill Lynch, in a crisis mode last July, sold its subprime securities to get rid of them; it financed the sale and sold them for 22 cents on the dollar. Under the FASB rules, assets worth 70 or 80 or 90 percent were marked down to 22 percent. That lowered the asset side of the ledger and made the stability of the company look—and I underline that word “look.” In fact, these assets, held to maturity, would not be anywhere near the value.

Here is a good example of that: Let’s just say I bought a mortgage-backed security, a subprime mortgage-backed security, backed 100 percent by 30-year mortgage loans made in the State of Nevada—every one a subprime loan. Nevada has the highest foreclosure rate of any State on subprime paper. Seventy percent of those loans in Nevada today plus they are on time at 30 percent are in default. Yet, because of mark to market, that security is not marked at 70 percent, which it is performing at, but at zero because at a given point in time today you can’t sell it. It is being held by the institution as an offsetting asset to a liability over a term of maturity.

At Tommy the barber shop, I ran into a pension fund man and an insurance guy, and they said: Why in the world don’t we look for accounting on mark to market? They looked at the pension crisis in 2004?

We have short memories in the Senate. In 2004, because of the declining stock market in 2001 and 2002, there were a number of defined benefit plans in America that underfunded. Because of the accounting rules that were being enforced at the time, those institutions were asked to write checks to fully fund the pension funds when, in fact, not everybody is going to retire the same day but over a number of years.

What did we do in the Congress? With Senators Kennedy, Enzi, myself, and others, we passed the Pension Protec-
tion and Reform Act. We said: If your pension fund’s corpus becomes under-funded, if you cannot meet your obligation, we will let you smooth that investment, or amortize it, over 4 to 6 years. In the case of Delta, which was in trouble at the time, they had a $900 million shortfall in their pension fund. But because of smoothing, instead of having to put $900 million in in 1 year, they did $150 million over 6 years. Delta is the most profitable airline in the United States today. They would not exist today had it not been for the smoothing.

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

Mr. ISAKSON. Mr. President, I ask unanimous consent for another minute.

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

Mr. ISAKSON. Mr. President, in conclusion, I hope everyone will visit their “Tommy Barber” shop and look at what we are doing that may have the unintended consequences of exacerbating the economic problem for the average American today and for Tommy the barber.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

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

THE BUDGET

Mr. MCCONNELL. Mr. President, we have seen the administration’s budget is at a 25-year high. Millions are worried about holding on to their jobs and their homes. With every passing day, Americans are waiting for the administration to offer its plan to fix the banking crisis that continues to paralyze our economy. Every day, it seems, the administration officials are unveiling new plans to address our main problem have yet to emerge.

We need reforms in health care and education and in many other areas. But Americans want the administration to fix the economy first. Unfortunately, the budget avoids the issue entirely. It simply assumes this enormous complex problem will be fixed, and then it proposes massive taxes, spending, and borrowing to finance a massive expansion of Government. It assumes the best of times, and, as millions of Americans will attest, these are not yet to emerge.

Over the next few weeks, the Senate will debate the details of this budget. One thing is already certain: It spends too much, it taxes too much, and it borrows too much. This budget would be a stretch in boom times. In a time of hardship and uncertainty, it is exactly the wrong approach. The budget’s $3.6 trillion price tag comes on top of a huge stimulus plan that was last week a quarter of a trillion dollars, a financial bailout that could cost another $1 trillion to $2 trillion, and a stimulus bill that will cost, with interest, more than a trillion dollars and now we are facing yet another stimulus. The national debt is more than $10 trillion, and yesterday we passed a $410 billion Government spending bill that represented an increase in Government spending over the last year of twice the rate of inflation. In just 50 days, Congress has voted to spend about $1.2 trillion between the stimulus and the omnibus. To put that into perspective, that is about $24 billion a day or about $1 billion an hour—most of it, of course, borrowed. There is simply no question that Government spending has spun out of control.

Given all this spending and debt, the only hope the budget offers is like much to some people. But this is precisely the problem. To most people, it seems that lawmakers in Washington have lost the perspective of the taxpayer. It is long past time we started to think about the long-term sustainability of our economy, about creating jobs and opportunity for future generations. That will require hard choices. The omnibus bill avoided every one, and unfortunately, so does the budget.

Stuart Taylor of the National Journal recently praised the President in two consecutive columns. Yet he was shocked by the President’s budget. Here is what Taylor said about the budget:

"... Not to deny that the liberal wish list in Obama’s staggering $3.6 trillion budget would be wonderful if we had limitless resources. Mr. Taylor goes, "But in the real world, it could put vast areas of the economy under permanent government mismanagement, kill millions of jobs, drive investors and employers overseas, and bankrupt the nation."

There is no question, in the midst of an economic crisis, this budget simply spends far too much. In order to pay for all this spending, the budget anticipates a number of rosy scenarios. It doesn’t explain how the economic recovery will come about, it simply assumes that it will. It projects sustained growth beginning this year and continuing to grow 2.2 percent in 2012.

Let me say that while the projects sustained growth beginning this year and continuing to grow 3.2 percent in 2010, 4 percent in 2011, and 4.6 percent in 2012. While we all hope to soon realize this growth, we must promise the growth we hope to have, especially when this growth is far from likely, particularly given a host of new policy proposals in the budget itself that are certain to tamp down growth even more. There is simply no question that this budget spends too much.

But even if this growth does occur, it would not be enough to support the
spending proposals. That is why the budget calls for a massive tax hike. In fact, this budget calls for the largest tax increase in history, including a new energy tax that will be charged to every single American who turns on a light switch, drives a car, or buys groceries to live on. In a few years, this new energy tax will hit you like a hammer.

During the campaign, the President said his plan for an energy tax will “cause utility rates to skyrocket.” He was right—every energy tax will incur the cost of every American household. I can’t imagine how increasing the average American’s annual tax bill will lift us out of the worst recession in decades.

There is more. A new tax related to charitable giving would punish the very organizations Americans depend on more and more during times of distress. One study suggests that the President’s new tax on charitable giving could cost U.S. charities and educational institutions up to $3 billion a year—money that will presumably be redirected to the 250,000 new Government workers the budget is expected to create. There is no question that this budget taxes too much.

Remarkably, the largest tax increase in history and a new energy tax still aren’t enough to pay for all the programs this budget creates. To pay for everything else, we will have to borrow—borrow a lot. This budget calls for the highest level of borrowing ever.

Now, if there is one thing Americans have learned the hard way over the past several months, it is that spending more than you can afford has serious, sometimes tragic, consequences. Yet Government doesn’t seem ready to face that reality—not when it is spending other people’s money and not when it is borrowing from others to fund its policy dreams.

It is not fair to load future generations with trillions and trillions of dollars in debt at a moment when the economy is contracting, millions are losing jobs, and millions more are worried about losing homes. It is time the Government realized that it is a steward of the people’s money, not the other way around, and that it has a responsibility not only to use tax dollars wisely but to make sure the institutions of Government are sustainable for generations to come.

I do not believe anyone who would borrow money from people thousands of miles away for things they don’t even need. Yet this is precisely what our Government is doing every single day by asking countries such as Saudi Arabia, Japan, and China to finance a colossal bailout in the midst of an economic crisis.

The administration has said it intends to hold, and I have no doubt this budget reflects their honest attempt to implement what they believe to be the best prescription for success. We appreciate that effort. We simply see it differently. A $3.6 trillion budget that spends too much, taxes too much, and borrows too much in a time of economic hardship may be bold, but the question is, Is it wise? Most of the people who have taken the time to study this budget have concluded it is not wise. Republicans will spend the next few weeks explaining why to the American people.

Americans want serious reforms. But in the midst of a deepening recession, they are looking at all this spending, taxing, and borrowing, and they are wondering whether, for the first time in our Nation’s history, we are actually giving up on the notion that if we work hard, our children will live better lives and have greater opportunities than ourselves.

Americans are looking at this spending, taxing, and borrowing, and they are wondering whether we are reversing the order—whether we are beginning to say with our actions that we want everything now—and putting off the hard choices, once again, for future generations to make. That would be the most important question in this upcoming budget debate.

It is important, once again, to sum up the core problem with the budget we will be voting on in a few weeks: It spends too much, taxes too much, and it borrows too much.

POLITICAL EXPRESSION WITHOUT FEAR

Mr. McConnell. Mr. President, I wish to address the so-called card check legislation which was introduced in both the House and Senate yesterday.

As Americans, we expect to be able to vote on everything from high school class president to President of the United States in private. Workers expect the same right in union elections. This legislation goes against that fundamental right of political expression without coercion.

We have had the secret ballot in this country for 100 years—130 years, at least—and it was common even before then. We have said to other countries around the world: If you want to have a democracy, you have to have a secret ballot. And yet this measure, to put it simply, would be better called the “Employee No Choice Act.” It is totally undemocratic. To approve it would be to subvert the right to bargain in good faith.

We would strip members of a newly organized union of their right to accept or reject a contract.

In addition, this bill ushers in a new scheme of penalties which are anti-worker and which apply only to employers and not to unions. Even though Americans have regarded secret ballot elections as a fundamental right—as I indicated earlier, for more than a century—some Democrats seem determined to strip that right away from American workers.

If this were not bad enough, a study released last week by economist Dr. Anne Layne-Farrar showed that if enacted, card check legislation could cost 600,000 American jobs—600,000 American jobs potentially lost. At a time when all of us are looking to stimulate the economy and put Americans back to work, we are threatening to undermine those efforts with this job-killing bill.

Republicans will oppose any legislation which attempts to undermine job creation, and we will oppose the effort to take away a worker’s right to a secret ballot.

Mr. President, I yield the floor.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL

The PRESIDING OFFICER. Mr. Case. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Vermont.

Mr. Leahy. Mr. President, I am opening this debate in my capacity not only as a Senator from Vermont but as chairman of the Judiciary Committee.

We are here today to consider President Obama’s nomination of David Ogden to be Deputy Attorney General, the number two position at the Department of Justice. This is a picture, incidentally, of David Ogden. I had hoped we could vote on this nomination sooner—although apparently, because of objections on the other side, we will not be able to vote until tomorrow. This is unfortunate. Every day we delay the appointment of the Deputy Attorney General is a day we are not enhancing the security of the United States.

In this case, we have a nominee who I had hoped to have confirmed weeks ago. Mr. Ogden is a highly qualified nominee who has chosen to leave a very successful career in private practice—although apparently, because of objections on the other side, we will not be able to vote until tomorrow.

I have hoped to have confirmed weeks ago. Mr. Ogden is a highly qualified nominee who has chosen to leave a very successful career in private practice—although apparently, because of objections on the other side, we will not be able to vote until tomorrow.

Interestingly enough, once Mr. Ogden’s nomination was announced, the letters of support started to come...
in from leading law enforcement organizations across the country. Let me put a few of these up on this chart. As you can see, Mr. Ogden’s nomination received support from leading law enforcement organizations; children’s advocates; civil rights organizations; and former government officials from both Republican and Democratic administrations.

Indeed, Larry Thompson, the former Deputy Attorney General under President George W. Bush, a highly respected former public official, has endorsed David Ogden to be Deputy Attorney General.

The Boys and Girls Clubs of America, an organization I have spent a lot of time with and one I highly respect. This organization provides alternative programs and a great mentoring system for children in many cities to keep them out of trouble. And this fine organization has endorsed David Ogden.

A dozen retired military officers who serve as Judge Advocates General have endorsed Mr. Ogden’s nomination.

The Fraternal Order of Police and the Federal Law Enforcement Officers Association, two major law enforcement organizations, have endorsed him.

The Major Cities Chiefs Association has endorsed him.

The National Center for Missing and Exploited Children, another organization I have worked a great deal with, and one that has done such wonderful things to help in the case of missing and exploited children, has also endorsed him.

The National Association of Police Organizations has endorsed David Ogden.

The National District Attorneys Association has endorsed him, which I was particularly pleased to see. I once served as vice president of the National District Attorneys Association. As an aside, I note that I grew up in the honor and glory of becoming president of the National District Attorneys Association for the anonymity of the Senate.

The National Narcotics Officers’ Associations’ Coalition has endorsed David Ogden.

The National Sheriffs’ Association has endorsed David Ogden.

The Police Executive Research Forum has endorsed David Ogden.

The Center for Victims of Crime has endorsed David Ogden.

Why have they endorsed him? Because he is an immensely qualified nominee, and he has the obvious priorities that we want in a Deputy Attorney General. His priorities will be the safety and security of the American people and to reinvigorate the traditional work of the Justice Department in protecting the rights of all Americans. That is why he will be a critical asset to the Attorney General. He will help the former Attorney General of the United States, and it is the Department of Justice for all Americans.

With all of these endorsements, including all of the major law enforcement groups endorsing him, and all the endorsements from both Republicans and Democrats, what is astonishing for all these law enforcement organizations wanting him there is that Republican senators would reject this nomination. They refused to agree to this debate and a vote on the nomination, and they required the majority leader to file a cloture motion, which he did on Monday. For more than a week, Republicans would not agree to a debate and vote and would insist on filibustering this nomination.

It is amazing. I don’t know if Republicans are aware of what is going on in this country—the rising crime rates which began rising in the last year or so and the critical nature working families are facing. And yet they want to filibuster a nominee, one of the best I have seen for this position in my 35 years in the Senate.

I noted that development and the threat of a filibuster at a Judiciary Committee business meeting last Thursday, after a week of fruitless efforts to try to move this nomination forward to obtain the need for a filibuster. I noted my disappointment that, despite the bipartisan majority vote in favor of the nomination by Republicans and Democrats on the committee, despite the endorsement from the American Bar Association, despite the support from children’s advocates, and despite the support from former government officials for Republican and Democratic administrations, we have been stalled in our ability to move forward to consider this nomination. And, of course, the Justice Department, which is there to represent all Americans—Republicans and Democrats, Independents, and everybody—is left without a deputy for another week.

Quoting Senator Durbin, it was incomprehensible. I could not think of any precedent for this during my 35 years in the Senate. A bipartisan majority—14 to 5—voted to report this nomination from the Judiciary Committee to the Senate. The ranking Republican member of the committee, Senator SPECTER, voted to support this nomination. The assistant Senate Republican leader, Senator KYL, and the senior Senator from South Carolina, Mr. GRAHAM, voted in favor of Mr. Ogden. And yet, in spite of this bipartisan support, someone or a group of Senators on the Republican side of the aisle were intent on filibustering this nominee to stop us from having a Deputy Attorney General who might actually act.

I cannot understand. Why was there this attempt of filibustering President Obama’s nomination for Deputy Attorney General of the United States, and depriving law enforcement of his support, I cannot not understand.

Two weeks ago, we debated and voted on the nomination in the Judiciary Committee. Those who opposed the nomination had the opportunity to explain their negative vote. I urge all Senators to reject these false and scurrilous attacks that have been made against Mr. Ogden. I also held out hope that they would recognize an obvious double standard when it comes to President Obama’s nominees. Remember, these are the same people who voted unanimously for one of the worst attorneys general in this Nation’s history, former Attorney General Gonzales.

I am glad some semblance of common sense has finally prevailed on the Republican side of the aisle. I guess someone looked at the facts and said: “This makes absolutely no sense whatsoever, and there is no way of justifying this to Americans, other than to the most partisan of Americans,” and they reversed their position. They now say they will not filibuster this nomination.

It was disturbing to see the President’s nomination of Mr. Ogden to this critical national security post being held up this long by Senate Republicans apparently on some kind of a partisan whim.

I voted for all four of the nominees that the Senate confirmed and President Bush nominated to serve as the Deputy Attorney General during the course of his Presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against him and some may not have been the people we would have chosen had it been our President. But we respected the fact the American people elected a Republican President and he deserved a certain amount of leeway in picking his nominees.

Of course, we heard the same preaching from the Republican side. Suddenly their position has now changed since the American people, by a landslide, elected a Democratic President. What Republicans are essentially saying is President Obama doesn’t get the same kind of credit that President Bush did. That amounts to a double standard, especially after every Republican Senator supported each of President Bush’s nominees, as they did the nomination of Alberto Gonzales.

Today, however, there will be no more secret and anonymous Republican holds. Any effort to oppose the President’s nominees—executive or judicial—will have to face public scrutiny. There can be no more anonymous holds. We can turn at last to consideration of President Obama’s nomination of David Ogden to be Deputy Attorney General, the No. 2 position at the Department.

Let me tell you a little bit about David Ogden. As a former high-ranking official at both the Defense Department and the Justice Department, he is the kind of serious lawyer and experienced Government servant who understands the special role the Department of Justice must fulfill in our democracy. It is no surprise that his
nomination has received strong support from leading law enforcement organizations, children’s advocates, civil rights organizations, and former government officials from Republican and Democratic administrations.

The speed of Mr. Ogden to this critical national security post should not be further delayed. The Deputy Attorney General is too important a position to be made into a partisan talking point for special interest politics.

Now, I understand some people want to do fundraising as they talk about their ability to block nominations of President Obama. I wonder if they know how critical the situation is in this country. This is not the time for partisan political games. This is a time where all of us have a stake in the country getting back on track and we ought to be working to do that. Stop the partisan games. The Deputy Attorney General is needed to manage the Justice Department, including its critical role of keeping our Nation safe from the threat of terrorism.

I want to thank Mark Filip, the most recent Deputy Attorney General and a Republican. Judge Filip came from Chicago last year motivated by public service. He had a lifetime appointment as a Federal judge where he served with distinction as a conservative Republican. He gave up his lifetime appointment after the scandals of the Gonzalez Justice Department, where not only did the Attorney General resign but virtually everybody at the top of the Department of Justice resigned because of the outrageous scandals at that time. I urged his fast and complete confirmation and he was confirmed just 1 year ago, unanimously, by voice vote.

Now, are Judge Filip and I different politically? Yes, of course we are. We differ in many areas. Yet, I saw a man dedicated to public service. He gave up his dream of a lifetime position on the Federal bench. He saw the scandals of the former Attorney General and all the people who had to be replaced by President Bush because of the scandalous conduct, and he came in for the good of the country to help right it. I remember that nomination very well. I was the ranking Democrat on the committee at that time. His hearing was just 2 weeks after his nomination. He was reported by the Judiciary Committee unanimously in favor of reporting his nomination. And he was confirmed that same day by voice vote by the Senate. No shenanigans. No partisanship. No posturing for special interest.

His replacement was James Comey. He, like Mr. Ogden, was a veteran of the Department of Justice. The Democratic Senators in the Senate minority that the Senate confirmed and delayed that nomination. We knew how important it was. We cooperated in a hearing less than 2 weeks after he was nominated. He was reported from the committee unanimously in a 19–0 vote, and he was confirmed by the Senate in voice vote.

Even when President Bush nominated a more contentious choice, a nominee with a partisan political background, Senate Democrats did not filibuster. Paul McNulty was confirmed to serve as the Deputy Attorney General in 2006 in a voice vote by the Senate. While there were concerns, there was no filibuster. As it turned out, Mr. McNulty resigned in the wake of the U.S. attorney firing scandal, along with Attorney General Gonzales and so many others in leadership positions at the Department of Justice.

I voted for all four of the nominees that the Senate considered and President Bush appointed to serve as the Deputy Attorney General during the course of his presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against the nomination. Every Republican Senator supported each of those nominees as they did the nomination of Alberto Gonzales and the other nominations of President Bush to high-ranking positions at the Justice Department.

I bring up this history to say let us stop playing partisan games. Mr. Ogden’s nomination to be Deputy Attorney General, a major law enforcement position, is supported by Republican and Democratic senators at a time when we need the best in our law enforcement in this country.

The Justice Department is without a confirmed deputy at a time when we have faced tremendous challenges. Indeed, one of the recommendations of the bipartisan 9/11 Commission was that after Presidential transitions, nominees for national security appointments, such as Mr. Ogden, be accelerated. In particular, the 9/11 Commission recommended:

A president-elect should submit the nominations of the entire new national security team, through the level of undersecretary of cabinet departments, not later than January 20.

The commission also recommended that the Senate:

- adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.

President Obama did his part when he nominated Mr. Ogden to be the Deputy Attorney General on January 5, more than 2 months ago. We now are at March 11. It is time for the Senate to act. Stop the partisan games, stop the holding up, stop the holds and the threats of filibusters and all the rest. The problems and threats confronting the country are too serious to continue to delay and to play partisan games, no matter which fundraising letter somebody wants to send out. Forget the fundraising letters for a moment; let us deal with the needs of our Nation.

Scurrilous attacks against Mr. Ogden have been launched by some on the extreme right. David Ogden is a good lawyer and a good man. He is a husband and a father. The chants that David Ogden is somehow a pedophile and a pornographer are not only false, they are so wrong. Senators know better than that. Forget the fundraising letters, let us talk about a decent family man, exceptional lawyer. Let us talk about somebody who answered every question at his confirmation hearing, not only about those he represented legally but about his personal views.

I questioned Mr. Ogden at his hearing and he gave his commitment to vigorously enforce Federal law, regardless of the positions he may have taken on behalf of his clients in private practice. I asked him if he had the right experience to be Deputy Attorney General and he pointed out his extensive experience managing criminal matters at the Department and in private practice. I asked him to thoroughly review the practice of investigating and filing law suits on the eve of elections, and he said he would. I asked him to work with me on a mortgage and financial fraud law, and he was agreeable. I asked about his experience in the type of national security matters that have become more than ever before central to the mission of the Justice Department, and he highlighted his extensive national security experience and lessons he learned as General Counsel for the Department of Defense. On all these matters he was candid and reassuring.

That is why Mr. Ogden’s nomination has received dozens of letters of support, including strong endorsements from Republican and Democratic former public officials and high-ranking veterans of the Justice Department, from the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, and from nearly every major law enforcement organization.

As one who began his public career in law enforcement, I would not stand...
here and endorse somebody for such a major law enforcement position if I did not feel it was a person who should do this. Larry Thompson, a former Deputy Attorney General himself, and somebody I worked with on law enforcement matters when he was here as a Republican member of the Senate Judiciary Committee as though he had served there for all those decades. In a way, he did, as a key person working for former Senator Biden.

A brilliant and thoughtful lawyer who has the complete confidence and respect of career attorneys at Main Justice. David will be a superb Deputy Attorney General.

Chesley Baker, who is the national president of the Fraternal Order of Police, wrote that Mr. Ogden . . . possesses the leadership and experience the Justice Department will need to meet the challenges which lay before us.

A dozen retired military officers who served as judge advocates general have endorsed Mr. Ogden’s nomination, calling him . . . a person of wisdom, fairness, and integrity, a public servant vigilant to protect the national security of the United States, and a man of high moral and ethical character, one who values the perspective of uniformed lawyers in matters within their particular expertise.

I know something about law enforcement, not only from my past career but also because I have served in the Department of Justice. Most of that time was on the Senate Judiciary Committee dealing with law enforcement matters. I know that David Ogden is an immensely qualified nominee whose priorities would be the safety and security of the American people, but also to reinvigorate the overall criminal justice system and the professional integrity, a public servant vigilant to protect the national security of the United States.

I recommend Mr. Ogden’s nomination, calling him . . . a person of wisdom, fairness, and integrity, a public servant vigilant to protect the national security of the United States, and a man of high moral and ethical character, one who values the perspective of uniformed lawyers in matters within their particular expertise.

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The Deputy Attorney General also oversees efforts to fight waste and corruption in Federal programs by means of the False Claims Act. As we expend vast sums in two wars and work to stimulate the economic recovery, we must do everything we can to make sure the taxpayer dollars are well spent. Along the same line, the Deputy Attorney General oversees the distribution of billions of dollars in economic recovery funds in support of critical local law enforcement initiatives. Everyone agrees that to fulfill the promise of the economic recovery package, we need to get the funds out the door quickly. Again, depriving the Department of Justice of leadership at this critical time is bad policy.

The American people need a Deputy Attorney General in place now, to meet all these critical efforts. The problems and threats confronting the country are too serious to delay.

We know David Ogden is extraordinarily well qualified. We know the Judiciary Committee fully vetted his background, experience and judgment and reported out his nomination with a bipartisan majority. We know the Attorney General needs his second in command as well as other members of his leadership team in place and working as soon as possible. We know further delay in this crucial nomination is inexcusable.

I hope on this nomination, and going forward, we do better.

I yield the floor, suggest the absence of a quorum, and ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. SPECTER. Madam President, at the outset in addressing the Chair, may I note that it is my distinguished colleague, Senator CASEY from Pennsylvania. Nice to see you acting as Vice President, Senator CASEY.

May I just say that in the 2 years plus that you have been here, I have admired your work and found it very gratifying to be your colleague in promoting the interests of our State and our Nation.

I have sought recognition to comment on the nomination of David W. Ogden to be Deputy Attorney General. In reviewing the pending nomination, I have noted Mr. Ogden’s academic and professional qualifications. I have also noted certain objections that have been raised by a number of organizations. As a matter of fact, some 11,000 contacts in opposition to the nomination have been received by our Judiciary Committee.

As to Mr. Ogden’s background, his resume, his education, and his professional qualifications—he received his undergraduate degree from the University of Pennsylvania in 1976, Phi Beta Kappa, and his law degree from Harvard, magna cum laude, where he was an editor of the Law Review.

I know it is difficult to get a Phi Beta Kappa key from the University of Pennsylvania. I know that being on the Law Review at a school like Harvard is an accomplishment. He then clerked for Judge Souter on the United States District Court for the Southern District of New York. We know Judge Souter when he was counsel to the New York Department of State. I have a very high regard for him.

Mr. Ogden then clerked for Harry Blackman on the Supreme Court. That is a distinguished achievement. Then he worked for Ennis Friedman Bersoff & Ewing and became a partner there. Then he was a partner at Jenner & Block and was an adjunct professor at Georgetown University Law Center from 1992 to 1995. He then had a string of prestigious positions in the Department of Justice: Associate Deputy Attorney General, Counselor to the Attorney General, Chief of Staff to the Attorney General, Acting Assistant Attorney General for the Civil Division, Assistant Attorney General for the Civil Division—all during the administration of President Clinton.

We have seen quite a series of nominees come forward when the current administration has wanted people from a prior administration. There have been quite a few people who served in President Reagan’s administration who later served in President George H.W. Bush’s administration. Then some of those individuals served in the administration of President George W. Bush. Similarly, individuals from President Carter’s administration came back with President Clinton, and the people from President Clinton are now serving in President Obama’s administration. So it is a fluid system.

Contrasted to the resume Mr. Ogden has, I have noted the objections raised by the Family Research Council headed by Mr. Tony Perkins, who wrote the committee expressing his concerns about Mr. Ogden’s nomination because, as Mr. Perkins puts it:

Mr. Ogden has built a career on representing views and companies that most Americans find repulsive . . . Mr. Ogden has also professed pressuring people from a prior administration. There have been quite a few people who served in President Reagan’s administration who later served in President George H.W. Bush’s administration. The Deputy Attorney General also represents a client. I believe it is accurate to say that the prevailing view is not to bind someone to those arguments. I note an article published by David Rivkin and Lee Casey, who served in the Justice Department under President Reagan and President George H.W. Bush, that advances the thesis that a lawyer is not necessarily expressing his own views when he represents a client. They point out how Chief Justice Roberts’ nomination to serve on the U.S. Court of Appeals for the District of Columbia Circuit was vociferously opposed by pro-choice groups based upon briefs he had filed when he served as Deputy Solicitor General under President George H.W. Bush and the arguments for restrictions of abortion rights contained in those briefs. As I recall, NARAL had a commercial opposing then-Judge Roberts. I spoke out at that time on the concern I had about their influence that those were necessarily his own views. As I recall, NARAL withdrew the commercial.

The article by Mr. Rivkin and Mr. Casey notes the objections of the Family Research Council, Focus on the Family, and Concerned Women for America, and comes to the conclusion that a person’s representation of a client does not necessarily state what a person’s views are on an issue.

Further note that Mr. Ogden has been endorsed by very prominent people from Republican administrations: Deputy Attorney General Larry Thompson, former Assistant Attorney General Peter Keisler, former Assistant Attorney General Rachel Brand, and former Acting Assistant Attorney General Daniel Levin.

Professor of law Orin Kerr at George Washington University Law School noted that he disagreed with arguments that Mr. Ogden had made, but despite his disagreement with Mr. Ogden’s arguments, he believed those arguments should not be held against him.

In the consideration of nominees who are now pending before the Judiciary Committee, we are taking a very close look at all of them. I think it appropriate to note at this point that the nomination of Harvard Law School dean Elena Kagan is being analyzed very carefully. Without going into great detail at this time, I would note that the committee in opposition to Mr. Ogden’s nomination, which has been voted out of committee, will be on the floor at a later date, I and others voted to pass...
on Ms. Kagan because we are not satisfied with answers to questions that she has given.

I ask unanimous consent to put in the RECORD a letter that I wrote to Dean Kagan, February 25, 2009, and her reply to me on March 2, 2009.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,

Dean ELENA KAGAN,
Harvard Law School,
Cambridge, MA.

Dear Dean Kagan: I write to express my dissatisfaction with many of the answers you provided to the Committee in response to my written questions following your confirmation hearing. I believe these answers are inadequate for confirmation purposes.

In a 1996 review of a book entitled The Confirmation Mess, you made a compelling case for several reasons why nominees to high judicial offices should refrain from expressing a personal view on specific issues. You stated, “when the Senate-seizes to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public.” You further asserted that the Senate’s inquiry into the views of executive branch officials, as compared to Supreme Court nominees, should be even more thorough, stating, “the Senate ought to inquire into the views and policies of nominees to the executive branch, for whom ‘independence’ is no virtue.” I agree with the foregoing assessment, and, therefore, am puzzled by your responses, which do not provide clear answers concerning important constitutional and legal issues.

For example, in response to several questions related to the constitutionality of the impeachment process, as compared to the Senate’s, you only noted the following: “I do not think it comport with the responsibilities and role of the Solicitor General for me to say whether I view particular decisions as wrongly decided or whether I would approach them differently.” The Solicitor General must show respect for the Court’s precedents and for the general principle of stare decisis. As you noted to me when we met, I have scheduled a meeting with her. I have seen her letter, but I have not read it carefully yet, and I do not want to prejudice my views.

I endeavored to strike that proper balance in responding to your and other senators’ written questions. I answered in full every question relating to the Solicitor General’s role and responsibilities, including how I would approach specific statutes and areas of law, as well as questions relating to my personal views on moral issues or potential conflicts of interest.

As you noted, I answered many written questions, answered in detail every question put to me at my hearing and many hours of my remarks. I tried to answer every question put to me and provide as much information as possible. But I am certainly willing to do anything that is consistent with the responsibilities of that office and the interests of the client it serves.

Thank you for your consideration of this letter.

Sincerely,

ELENA KAGAN.

Mr. SPECTER. The comments that are in Ms. Kagan’s letter require further analysis. She has, as a generalization, stated that she does not think it appropriate to answer questions about her views because she has the ability as an advocate to disregard her own personal views and to advocate with total responsibility to the law, even though she may have some different point of view. I think as a generalization, that is valid. However, as I discussed at her hearing, some of her points of view raise a question as to whether, given the very strongly held views she has expressed, she can totally put those views aside. When her nomination was before the Committee for a vote, I passed. I agreed it ought to go to the floor, and we ought not to delay; but I wanted to have another talk with her. I have scheduled a meeting for tomorrow to go over Dean Kagan’s record because I think it is important to take a very close look at it. I also think it is relevant to comment about the pending nomination of Dawn Johnsen for Assistant Attorney General in charge of the Office of Legal Counsel. That is an important position. She is Deputy Attorney General who passes on legal questions, a very important position. They all are important, whether it is Deputy Attorney General or Solicitor General or Assistant Attorney General for the very important task of a person involved in the Office of Legal Counsel, OLC as it is called, is especially important. We now have challenges in dealing with opinions on the torture issue by people who held leadership positions in the Office of Legal Counsel under President George W. Bush—whether they were in good faith and whether they went far beyond the law as to what interrogation tactics were appropriate.
With respect to Ms. Johnsen's nomination, she has equated limiting a woman's right to choose with slavery in violation of the 13th amendment. While I personally believe, as did Senator Goldwater, that we ought to keep the books, off our backs, and out of our bedrooms, I am not going to raise the contention that abortion restrictions are a violation of the 13th amendment and that it constitutes slavery. Her nomination is being subjected to a careful examination, especially the part of her testimony where she claimed making that the connection between abortion restrictions and the 13th amendment because the records and a footnote suggest the contrary.

I talk about the nominations of Dean Kagan and Ms. Johnsen briefly, when considering the nomination of Mr. Ogden, to point out that there is very careful scrutiny given to these very important positions. I am looking forward to meeting Dean Kagan tomorrow to examine further her capabilities to be the Solicitor General and advance arguments with the appropriate adversarial zeal. We have an adversarial system. We put lawyers on opposite sides of the issue and we postulate that from the adversarial system, the truth is more likely to emerge. An advocate has to pursue the cause within the range of advocacy. With Ms. Johnsen, we are going to be considering further her qualifications and light of her statements to which I have referred.

But coming back to Mr. Ogden, my net conclusion is that he ought to be confirmed. I say that based upon a resume that is very strong, both academically and professionally. I think it is important to note that when questioned about some of his positions, Mr. Ogden has, one might say, backed off some of his earlier views. When asked about some of the things he had written, in a 1983 memo he wrote when he was a law clerk to Justice Blackmun that referred to the defendants of a challenged law in a way that disparagingly suggested their insincerity. He told the committee that after maturing, he had some different views.

In a 1990 tribute to Justice Blackmun, he expressed agreement with the Justice's endorsement of affirmative action programs that entailed set-asides at his hearing. He said he now believes that such an approach was inappropriate and instead believes that consideration of race, as he put it, “in limited circumstances” should be one of many factors in affirmative action programs.

Mr. Ogden also stated he no longer agrees with the position he took in a 1980 case comment that “state expansion of speech rights at the expense of property rights does not constitute a taking.” That case comment involved the lawsuit of whether there was an unlimited right of speech on private property. So he has maintained a little different position. It is fair to raise a question about whether statements made in the confirmation amount to a confirmation conversion. That has been an expression used from time to time that you have to take statements at a confirmation with a grain of salt of what they mean as articulated to the confirmation. That has to be taken into account. But I listened to what Mr. Ogden had to say, and I think he is entitled to modify his views over a substantial period of time from what he did in 1983 and 1990, with a maturation process.

Then there is the consideration that the President is entitled to select his appointees within broad limits. The Deputy Attorney General, while important, is not a lifetime appointment as a judge. I had a call from the Attorney General who raised the issue that he does not have any deputies and the Department of Justice has now been functioning for more than a month and a half. It is a big, important department, and I think it is important to have the appropriate latitude to Attorney General Holder and move ahead with Mr. Ogden's confirmation.

For all of those factors, I intend to vote in favor of Ogden. I think those who have raised objections have done so, obviously, in good faith. They are entitled to have their objections considered and to know that the Judiciary Committee is giving very careful consideration to his analysis, and why he does so. As I have outlined, on the consideration of other nominees.

Madam President, I ask unanimous consent that the full text of an article I referred to from Mr. Rivkin and Mr. Casey be printed in the Congressional Record, along with the résumé of Mr. Ogden.

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

DON'T BLAME THE LAWYER

(By David B. Rivkin Jr. and Lee A. Casey)

President Barack Obama's selection of David Ogden as deputy attorney general has drawn fire from conservative family values groups, including the influential Family Research Council, Focus on the Family, and Concerned Women for America. Conservative talk show hosts including Fox News' Bill O'Reilly, have highlighted the story, and there appears to be a real effort under way to derail the nomination.

This effort undoubtedly has not escaped notice on Capitol Hill, and several Republican senators on the Judiciary Committee, including Orrin Hatch (Utah), Jon Kyl (Ariz.), and Jeff Sessions (Ala.)—have pressed Ogden on some of the issues raised by these groups.

Unfortunately, much of this opposition from the family values groups is based upon Ogden's representation of controversial clients and the positions he has argued on their behalf. This tactic has been used against conservatives in the past, including Chief Justice John Roberts Jr. Punishing lawyers for who they represent and what they argue before the courts is not in the interest of justice and maintains a flawed policy.

"FROM PLAYBOY?"

Among the principal objections to Ogden's nomination is that he has represented adult magazine, book, and film producers, including Playboy and Penthouse, on whose behalf he has argued for a broad interpretation of First Amendment protections.

Ogden also represents a number of library directors who filed an amicus brief supporting the American Library Association's interpretation of the Child Protection Act of 2000, which among other things required the use of Internet filtering software by public libraries.

In addition, as noted by the Family Research Council, "Ogden worked for the ACLU and filed a brief in the landmark abortion case Planned Parenthood v. Casey that describes the mental health effects of abortion on women.''

His participation and arguments in cases involving parental notification, the Pentagons don't ask, don't tell gay rights has also raised conservative hackles. According to the president of an important Catholic values organization, "David Ogden is a hired gun from Playboy and the ACLU. He can't run from his long record of opposing common-sense laws, protecting families, women, and children.''

SEAZLIOUS REPRESENTATION

The premise of this opposition is a familiar one—that lawyers must be presumed to agree with, or be sympathetic to, the clients they represent or, at a minimum, that they should be held accountable for the arguments they advance on a client's behalf. In fact, of course, lawyers represent clients for varied reasons—varied reasons, out of a sense of duty, an interest in a particular subject matter, or for professional growth and development. Sometimes, lawyers are motivated by all of the above, and more. It is simply inaccurate to attribute to a lawyer his or her client's beliefs. That is just not how the legal system works—at least not all the time.

Sometimes, of course, lawyers do personally agree with the client's substantive views and the legal positions they advance. There is no doubt that lawyers are often drawn to a particular area of practice, or undertake to represent particular clients—especially on a pro bono basis—because they do believe in the client's cause. It is possible, however, to believe in a client's cause—a broad application of the free speech right—and not to approve of the client's personal behavior or business model.

And, just as a lawyer's character cannot be judged based on a client's involvement, neither can a lawyer's policy preferences easily be divined by reading his or her briefs. Lawyers must represent their clients zealously, and this means they often must defend arguments with which they personally disagree.

SUBVERTING THE SYSTEM

Moreover, even in cases where a lawyer does share the client's opinions, or where he or she personally believes that the law means, or should mean, what the briefs say, there are very good reasons why this should not disqualify such individuals from high government office.

Lawyers are human beings, and punishing them in this way would result in many avoidable adversarial controversies. Indeed, this is often the purpose and intent of such opposition, but it also is subversive of our legal system. That system is adversarial and works only if both sides of an issue are adequately represented. If there are clients or causes, be they the adult entertainment industry, tobacco companies, or gun owners, the policy is aimed at being so disreputable or radioactive that their lawyers are later personally held to account for representing them, the quality of justice will suffer.

Conservatives and Republicans who are tempted in that direction now that a liberal...
Democrat is in office should recall that similar arguments about supposedly disreputable clients and unacceptable arguments have been raised against their own nominees in the past, notably, now-Chief Justice Roberts' nomination to serve on the U.S. Court of Appeals for the D.C. Circuit was vociferously opposed by pro-choice groups based on alleged support for restrictions of abortion rights they contained—when he served as deputy solicitor general under President George H.W. Bush.

CLEARLY QUALIFIED

Although there are many issues on which conservatives can and should disagree with Ogden as ideological matters, those disagreements are not good reasons why he should not be confirmed as deputy attorney general. His views on the law and legal policy are certainly legitimate topics of inquiry and debate, both for the Senate and the public in general, but only in the context of what they may mean about Obama's own beliefs and plans. Like his presidential predecessors, Obama is entitled to select the men and women who will run the federal government, including the Justice Department, exercising the executive authority vested in him as president by the Constitution.

It is entirely appropriate that Obama's appointment process be a point of preference and ideological inclination. If their legal views are considered by some to be out of the "mainstream," that is the president's problem. If they pushed for extreme policies, it will be up to Obama to curtail them. If not, there will be another election in 2012, at which time the country can call him to account.

In the meantime, as long as the individuals Obama chooses to serve in the executive branch have sufficient integrity, credentials, and experience to perform the tasks they will be assigned, they should be confirmed.

This is the case with Ogden. He is clearly qualified for the job. His training and experience are outstanding, including a Harvard law degree and a Supreme Court clerkship. Ogden has practiced at one of the country's premier law firms. He served as Attorney General Janet Reno's chief of staff and as assistant general counsel in charge of the Justice Department's Civil Division—its largest litigating unit—in the Clinton administration. This service is important. The department, head of a manager, and Ogden clearly understands the Justice Department, its role in government, its career lawyers, and its foibles.

Significant nomination has been endorsed by a number of lawyers who served in the Reagan and two Bush administrations, including one who preceded, and one who succeeded, Ogden as head of the Civil Division. They are right; he should be confirmed.

DAVID W. OGDEN
DEPUTY ATTORNEY GENERAL

Birth: 1953; Washington, DC.
Legal Residence: Virginia.
Mr. GRASSLEY. Madam President, I would like to say a few words in opposition to the nomination of David Ogden to be Deputy Attorney General at the U.S. Department of Justice.

There is no doubt that Mr. Ogden is an experienced lawyer. However, I have serious concerns about Mr. Ogden’s views and some of the cases he has argued. Mr. Ogden is an attorney who has specialized in first amendment cases, in particular pornography and obscenity cases, and he represented several entities in the pornography industry. He has argued against legislation designed to ban child pornography, including the Children’s Internet Protection Act of 2000 and the Child Protection and Obscenity Enforcement Act of 1996. These laws were enacted to protect children from obscene materials in public libraries and to require producers of pornography to personally verify that their models are not minors. I supported both these important pieces of legislation.

In addition, Mr. Ogden authored a brief in the 1993 case Knox v. United States, where he advocated for the same arguments to shield child pornography under the first amendment that the Solicitor General and the Supreme Court would eventually reject by a vote of 4 to 3. In the Knox case, the Bush I Justice Department successfully had already prosecuted Knox for violating Federal antipornography laws; but on appeal to the Supreme Court, the Clinton Justice Department reversed course and refused to defend the conviction. After significant public outrage, President Clinton publicly chastised the Solicitor General, and Attorney General Reno overturned the position. At the time, I was involved in the congressional effort opposing this switch in the Justice Department’s position on child pornography.

Mr. Ogden also has filed briefs opposing parental notification before a minor’s abortion, opposing spousal notification before an abortion, and opposing the military’s policy against public homosexuality serving in uniform.

Significant concerns have been raised in regard to Mr. Ogden’s nomination. I have heard from a very large number of Iowa constituents, including the Iowa Christian Alliance, who are extremely concerned with Mr. Ogden’s ties to the pornography industry and the positions he has taken protecting adult pornography and children from this terrible scourge. The Family Research Council, Concerned Women of America, Eagle Forum, Fidelis, the Alliance Defense Fund, and the Heritage Foundation, among others, have all expressed serious concerns about Mr. Ogden’s advocacy against restrictions on pornography and obscenity.

The majority of Americans support protecting children from pornography exploitation, protecting children from Internet pornography, and allowing for parental notification before a minor’s abortion. So do I. I feel very strongly about protecting women and children from the evils of pornography. I have always been a strong supporter of efforts to restrict the dissemination of pornography in all environments. As a parent and grandparent, I am particularly concerned that children will be exposed to pornographic images while pursing educational endeavors or simply using the Internet for recreational purposes. Throughout my tenure in Congress I have supported bills to protect children from inappropriate exposure to pornography and other obscenities in the media, and I support the rights of parents to raise children and to be active participants in decisions affecting their medical care. Mr. Ogden has consistently taken positions against these child protection laws and this troubles me.

Because of my concerns, I must oppose the nomination of David Ogden. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I didn’t make a complete request, as I should have, for a quorum, so I ask unanimous consent that the time be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that the time be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION TROUBLES

Mr. DORGAN. Last evening, I was driving from the Capitol and listening to Jim Lehrer News Hour. They had a report on transit systems in this country that are facing significant financial problems. The report was fairly interesting. It turns out to be a subject with which I am fairly familiar. The report was that there are more than a couple dozen transit agencies in some of America’s largest cities that are in deep financial trouble. Why? Because they had sold their subway system or bus system to a bank in order to raise needed revenue. Under what is called a SILO, a sale in/lease out transaction, a public corporation sold its transit to a bank, so the bank takes title to the property. The bank then leases it back to the city, and the bank gets a big tax write-off because it can depreciate the property. So the city still gets to use its subway system because they are leasing it back.

All of a sudden, a couple dozen cities discovered that this transaction they entered into, which at the time of a deal, landed them in huge trouble because the transaction was insured with a derivative that went through AIG. AIG’s credit rating collapsed, and now the banks are calling in substantial penalties on the part of the transit system that they cannot meet. So they are in trouble.

Surprised? I am not particularly surprised. I have been on the floor of the Senate talking about what is happening with respect to these so-called sale in/lease out, SILO practices. I have talked about banks and about Wachovia Bank, by the way, which was buying German sewer systems. I will describe a couple of these transactions.

Wachovia Bank buys a sewer system in Bochum, Germany. Why? Is it because it is a sewer specialist? Do they have executives who really know about sewers in Germany? I don’t think so. They are spraying false alarms. It seems to be a scam. An American bank buys a sewer system in a German city so it can depreciate the assets of that sewage system and then lease it back to the German city. The Germans were scratching their heads, saying: This seems pretty dumb, but as long as we are on the receiving end of a lot of money, we are certainly willing to do it.

I am showing this example of a bank called Wachovia, which used to be First Union, that originally started some of these transactions. I believe Wachovia itself, which was in deep financial trouble, has now been acquired by Wells Fargo. First Union was involved in a cross-border unlease of Dortmunder, Germany, a subway system. Is it an American bank doing leasing streetcars in a German city? To avoid paying U.S. taxes, that is why.

We have seen all kinds of these transactions going on. I have described them on the floor of the Senate previously.

This one is the transit system railcars in Belgium. Since many of these transactions are confidential, I don’t know which American company bought Belgium National Railway cars. One of these corporations was an American company called Liefkenshoek Tunnel under the river in Antwerp, Belgium. Why? To save money on taxes. Some companies don’t want to pay their taxes to this country.

PBS Frontline’s Hedrick Smith did a piece on it. The cross-border leasing contracts appear particularly hard to justify because all the property rights remain as they were even after the deal was signed. The Cologne purification plant keeps cleaning Cologne’s sewage water. In the words of Cologne’s city accountant:

After all, the Americans should know themselves what they do with their money.
If they subsidize this transaction, we gratefully accept. I mention this because the tax shelters that big American banks and some cities have discovered are unusual and, I think, raise very serious questions about what are fair to the American people. Here is a Wall Street Journal article about how the city of Chicago actually sold Chicago’s 9–1–1 emergency call system to FleetBoston Financial and Sumitomo Mitsui Banking. Why would a city sell its 9–1–1 emergency call system? Why would somebody buy it? It is in order to avoid paying U.S. taxes.

The reason I mention all of this, last evening, I heard about the transit systems being in trouble in this country. Why? They are engaged in this. They were engaged in exactly the same thing. A transit system that is established by a city to provide transportation for folks in that city decides it wants to get involved in a transaction to sell a system to a bank somewhere and then lease it back, allowing the bank to avoid paying U.S. taxes and, all of a sudden, they are in trouble. Do you know what? I do not have so much sympathy for people who are involved in those kinds of transactions, and last evening listening to this issue of cross-border leasing, SIFs and LIFs, and all those scams going on for a long time, many established by U.S. companies who apparently, in their boardrooms, are not only greedy but also clever. How do they sell products but how to avoid taxes through very sophisticated tax engineering.

I think it raises lots of questions about the issue of economic patriotism and what each of us owes to our country. It reminded me again of another portion of this financial collapse and financial crisis that we now face in this country. It reminded me of the work that the attorney general of New York, Andrew Cuomo, is doing and something he disclosed. We should have disclosed it, but we didn’t know it. We know it because Andrew Cuomo, the attorney general of New York, dug it out. Let me tell you the story.

Last year, Merrill Lynch investment bank was going belly up. So the Treasury Secretary arranged a purchase of Merrill Lynch by Bank of America in September to be consummated in January. And it happened. What we now understand was that Merrill Lynch, which lost $27 billion last year, in December, just prior to it being taken over by Bank of America, paid 694 people bonuses of more than $1 million each. I will say that again. They paid 694 people bonuses of more than $1 million each with the top four executives sharing $121 million.

Moments later—that is, in a couple of weeks—the American taxpayers, through the TARP program, put tens of billions of dollars more into the acquiring company, Bank of America. At least a portion of that would have been attributable to the takeover of Merrill Lynch, which just lost $15 billion the previous quarter. It appears to me that this was an arrangement, and Bank of America understood it was buying Merrill Lynch. Merrill Lynch lost a ton of money—$27 billion—last year but wanted to pay bonuses to its executives. So the American taxpayers got more than $1 million each and provided $121 million to the American taxpayer coming in and providing the backstop to the acquiring company, Bank of America, at least in part because of the purchase.

Is there any wonder the American people get furious when they read these kinds of things? The top four executives received $121 million. The top 14 received $250 million. I describe this because we didn’t know this. We are the ones who are pushing TARP money. This Congress appropriated TARP money—now $700 billion. This Congress has appropriated that money, but we don’t know what is going on. That is why I introduced, with Senator McCaIN, a proposal for a select committee to investigate all of this with what happened with respect to this financial crisis. These tax scams are just a part of it. It is the way everything was happening around here, with some of the biggest institutions in the country.

There is plenty of blame to go around. The Federal Government was running deficits that were far too large. Corporate debt was increasing dramatically. Personal debt, household debt, doubled in a relatively short time. It is not as if everybody doesn’t have some culpability. Our trade deficit, $700 billion a year, is unsustainable. You cannot do that year after year. There were a lot of reasons.

Then the subprime loan scandal—this unbelievable scandal. At the same time the subprime loan scandal ratchets up, we have a circumstance where regulators, who were appointed by the previous administration, essentially allowed the American taxpayer to be willfully blind and not look. “Self regulation” is what Alan Greenspan called it. So then there grew a substantial pot of dark money that was traded outside of any exchanges. Nobody knew what they were. The development of newly engineered products, credit default swaps, CDOs—you name it, was very complicated—so complicated that many could not understand them. I was asked by a television interviewer 2 moments later: “What is your proposal?” and I said, “I would have a select committee to investigate all of this, with due respect, do you think Members of the Senate could understand these very complicated products?”

I: I think if your question is could we understand them as well as the heads of financial institutions who steered their companies into the ditch with these products, can we understand them as well as they did, yes, I think so. I think we are capable of figuring out what caused all this, but we would not do it, in my judgment, without the establishment of a select committee with subpoena power to develop the narrative of what happened, who is accountable, what do we do to make sure this never happens again.

I believe we ought to go back a ways, go back to 1999, when the Congress passed something called the Financial Services Modernization Act that took apart the Glass-Steagall Act that was put in place after the Great Depression, and it separated banking from risk. It said you cannot be involved in deposit-insured banking and then involved in real estate and securities as well. Congress passed legislation that said that is old-fashioned. Let’s get rid of Glass-Steagall. Let’s abolish Glass-Steagall. Let’s create big financial holding companies for one-stop financial capabilities for everybody. I was one of eight to vote no. I said on the floor of the Senate 10 years ago that I think this will result in a big taxpayer bailout. I said that during the debate, not because I knew it but because I felt it. You cannot take apart the protections that came after the Great Depression and somehow believe you are doing the country a favor. We were not.

We have to reconnect some of those protections and separate banking from real estate risk that are involved in things such as the derivatives and some of the complex products with great risk that now exist as something called toxic assets deep in the bowels of some of the largest financial institutions in our country.

We have a lot to do and a lot to do in a hurry to try to fix what is wrong in this country. I said before that I do not think you can fix what is wrong unless you clean up the banking system. I understand a banking system is a circulatory system for an economy. You have to have a working system of finance.

I was asked the other day: Do you believe in nationalizing the banks?

That is a goofy idea—start at the front end—I know “banking carwash” is a goofy idea—start at the front end and it separated banking from risk. It was one of eight to vote no. I said on the floor of the Senate 10 years ago that I think this will result in a big taxpayer bailout. I said that during the debate, not because I knew it but because I felt it. You cannot take apart the protections that came after the Great Depression and somehow believe you are doing the country a favor. We were not.

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That is a goofy idea—start at the front end—start at the front end and when they come out new, you have gotten rid of the bad assets, keep the good assets, change the name, perhaps change their ownership, put them back up. We need banks, I understand that. But there is no inherent right with all the banks with the current names to exist if they ran into the ditch, taking on very big risks and then decide the taxpayers have to retain them because it is their inherent right to exist. I don’t believe that is the American taxpayers: Bail me out, but keep me alive because I have a right to exist because I am too big to fail, I said I think instead we ought to run it through a banking carwash. Start at the front end—I know “banking carwash” is a goofy idea—start at the front end and when they come out new, you have gotten rid of the bad assets, keep the good assets, change the name, perhaps change their ownership, put them back up. We need banks, I understand that. But there is no inherent right with all the banks with the current names to exist if they ran into the ditch, taking on very big risks and then decide the taxpayers have to retain them because it is their inherent right to exist. I don’t believe that is the
EVEN SMALL gestures because business cannot exist without credit. We have plenty of businesses out there right now that have the capability to make money, have the capability to survive and get through this but cannot find credit. We have to put that together so our financial system works.

**CUBA**

I wish to make a couple points about a subject I did not talk about in recent days because there was a lot of controversy over the Senate that included some provisions that I included in the omnibus bill dealing with Cuba. I wish to make a couple comments because much of the discussion has been inaccurate.

Fifty years ago, Fidel Castro walked up the step of the capitol in Havana, having come from the mountains as a revolutionary. Fidel Castro turned Cuba into a Communist country. I have no time to discuss or try to controvert Castro or the Communist philosophy of Cuba. But it has always been my interest to try to understand why we treat Cuba differently than we do other Communist countries.

China is Communist, Communist China. Why do we have a policy with China? Engagement will be constructive; allow people to travel to China; trade with China; constructive engagement will move China in the right direction. That has always been our policy with respect to Communist China. I have been to China.

Vietnam is a Communist government. What is our policy? Engagement is constructive; travel to Vietnam; trade with Vietnam; constructive engagement will move Vietnam toward better human rights and greater freedoms. I have been to Vietnam.

That is our constructive approach with respect to Communist countries. Cuba is different. We have an embargo with respect to Cuba, a complete embargo, which at one time even included food and medicine which, in my judgment, is immoral. In addition to an embargo, we said: We don't like Fidel Castro; so we are going to say no around the American people as well because we are going to prevent them from traveling to Cuba. So we have people in the Treasury Department in a little organization called the Office of Foreign Assets Control, called OFAC, that at least until not long ago was spending 20 to 25 percent of its time tracking American citizens who were suspected of vacationing in Cuba.

Can you imagine that? The organization was designed to track terrorist money. But nearly a quarter of its time was spent trying to track whether Americans went to Cuba to take a vacation illegally. Let me show you some of what they have done.

This woman is named Joan Slotte. I have met Joan. Joan is a senior Olympian bike rider. Joan went to Cuba to ride bicycle with a Canadian bicycling group. Canadians can go to Cuba, and she assumed it was legal for Americans also. She answered an ad in a bicycling magazine and said: Yes, I would like to bicycle in Cuba. So she went.

For going to bicycle in Cuba, she was fined $7,630 by the U.S. Government under the Trading with the Enemy Act. Think of that, the Trading with the Enemy Act. This senior citizen bicyclist was fined by her Government. Then, because her son had a brain tumor and was going to her son in another State, she did not get this notice. So the Government took steps to threaten to attach her Social Security check. Unbelievable. This is unbelievable, in my judgment.

This is Joni Scott, a young woman who came to see me one day. She went to Cuba with a religious group to pass out free Bibles. You can guess what happened to her. Her Government was tracking her down to try to fine her for going to Cuba to pass out free Bibles. Why? Because we decided to punish Fidel Castro by not allowing the American people to travel to Cuba.

Here is Leandro. He is a Cuban American but he could not attend his father's funeral in Cuba. Bush, by the way, changed the circumstances that Cuban Americans living in this country could travel to Cuba so they can go only once in 3 years rather than once in 1 year. Your mother is dying? Tough luck. Your father is dying? Tough luck. You can't go there. That policy is unbelievable to me.

This is a man I met, SGT Carlos Lazo. SGT Carlos Lazo fled from Cuba on raft and went to Iraq to fight for this country. He was a Star of Valor. He is a great soldier. His sons were living in Cuba with their mother. One of his sons was quite ill. He came back from fighting in Iraq, and was denied the opportunity see his sick son in Cuba 90 miles away from Florida. That is unbelievable to me. In fact, we even had a vote on the floor of the Senate— we did it because I forced it—whether we were going to let this soldier go to Cuba to see his sons. We fell only a few votes short of the two thirds we needed to change that policy.

My point is, our policies make no sense at all. We are going to slap around the American people because we are upset with Castro and Cuba. I am upset with Castro. I am upset with Cuba's policies. But with Communist China and Communist Vietnam, we say travel there, trade with them, constructive engagement moves them in the right direction.

I, John Ashcroft, and I, when John Ashcroft was in the Senate, passed the first piece of legislation that opened a crack for American farmers to be able to sell food for us to sell medicine in Cuba. We opened just a crack. There was a time a few years ago when the first train carload of dried peas from North Dakota went to a loading dock to be shipped to Cuba.

President Bush decided: I am going to tighten up all that. I am going to tighten up family visits; I am going to tighten up and try to thwart the ability of farmers to sell food into Cuba. It made no sense to me. So in this omnibus legislation, I made the changes we have been talking about and debating for years: that is, restoring the right of family visits once a year rather than once in 3 years and a couple other changes to make it easier to export food and medicine to Cuba.

I wish to make a point to Cuba point that some people on the floor of the Senate have claimed this legislation that was in the omnibus would extend U.S. credit to Cuba. It is flat out not true. There is nothing in these provisions that would extend credit to Cuba at all.

In fact, the Ashcroft-Dorgan or Dorgan-Ashcroft legislation that allowed us to sell food into Cuba explicitly prohibits U.S. financing for food sales to Cuba. They cannot purchase food from us unless it is in cash, and the payments cannot even be conducted directly through an American bank. They have to run through a European bank for a cash transaction to buy American farm products. But at least the law allows us to compete with the Canadians, the Europeans, and others who sell farm products into Cuba.

These policies, in my judgment, have been a failure, dating back to 1960. There is no evidence at all that this embargo has been helpful. It has been to Cuba. I have been to Havana. I talked with the dissidents who take strong exception and fought the Castro regime every step of the way, and a good number of those dissidents said to me this embargo we have been putting on Cuba is a complete failure and a complete best excuse. Castro says: Sure our economy is in shambles. Wouldn't it be? Wouldn't you expect it to be if the 500-pound gorilla north of here has its fist around your neck? That is what the Castro regime says to excuse its dismal record—the economy, human rights, and all of it.

I, personally, think it is long past the time to take another look. I know Senator Lugar also published some recommendations on this. Sometime soon, Senator Enzi and I and others are going to talk about legislation we have introduced on this subject. It is long past the time to take another look at this issue and begin to treat Cuba as we treat Communist China and Communist Vietnam.

I think constructive engagement is far preferable because now the only voice the Cuban people hear effectively is the Castro voice, whether it is Raúl or Fidel—I guess it is now Raul. That is the only thing they hear, and they need to hear more. Hearing more from a flock of tourists who go to a country such as Cuba would, in my judgment, open a substantial amount of new dialog. So I think travel and trade will be a much more positive tool. I am for constructive engagement. I think there is evidence in both cases—I have been to both countries—that constructive engagement has moved forward in both countries in a measurable way.

Has engagement resulted in a quantum leap with China and Vietnam? No, but it is measurable. I think the same would be true with respect to Cuba.
What persuaded me to come to the floor to talk about this today was a discussion this past week on the floor regarding the provisions I sponsored on the bill we passed last night. I didn’t engage in that discussion because we needed a formula for entitlement spending. I did want the Senate Record to understand and show exactly what the history has been and what we have done. What we have done, I think, is a very small step in the right direction. Much more needs to be done, whether it is going to American farmers: You have a right to compete, you have a right to sell farm products without constraints. By the way, one of the provisions in the bill authorizes a general license that would make it easier for farm groups like the Farmers Union and Farm Bureau to go to an agriculture expo in Cuba to be able to sell their products. That is not radical. That is not undermining anything. That is common sense.

The drip, drip, drip of common sense in this Chamber could be helpful over a long period of time. This is just a couple small drops of common sense that I think will help us as we address the issue of Cuba.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask the Chair to let me know when I have 2 minutes remaining. I believe we have 30 minutes allocated to us at this stage.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALEXANDER. I thank the Chair.

Madam President, this is an important next 3 or 4 weeks for the United States. The President of the United States has outlined his 10-year blueprint for our country’s future in the form of a budget. The budget is now before the Congress, and it is our job to consider it. We are doing that every day in hearings, and we are looking forward to the details the President will send later this month. But for the next 4 weeks, including this week, the major subject for debate in this Senate Chamber is this: Can we afford the Democrats’ proposals for spending, taxes, and borrowing? And our view—the Republican view—is the answer is no.

As an example, in the 1990s, President Clinton and the Congress raised taxes, but they raised taxes to balance the budget. This proposal—and we will be discussing it more as we go along—will raise taxes to grow the government.

Not long ago, the President visited our Republican caucus, and we talked some about entitlement reform—the automatic spending that the government says we don’t appropriate; mostly all of it is for Social Security, Medicare, and Medicaid—and he talked about the importance of him of dealing with entitlement spending. Senator McCONNEEL from Kentucky, made a speech at the National Press Club to begin this Congress in which he said that he was going to say to this President: Let’s work together to bring the growth in entitlement spending under control. We had a summit at the White House, which we were glad to attend, about that.

But I say to Senator GREGG, the Senator from New Hampshire, who is the ranking Republican on the Budget Committee, I was disappointed to come back from the excellent meeting we had at the White House on fiscal responsibility and find, for example, that in this budget we have $117 billion in new spending on Pell grants. So my question to the Senator from New Hampshire is: Does this budget actually reform entitlement spending, or does it not?

Mr. GREGG. I thank the Senator from Tennessee. I know the Senator from New Hampshire will not be surprised to learn that there is no entitlement reform in this budget; that this budget, regrettably, dramatically increases entitlement spending.

The chart I have here reflects that increase. If you would use the present baseline on entitlement spending, that would be the blue. Now that is going up pretty fast. During this period, it would go from $1.2 trillion up to almost $2.4 trillion. That is the baseline, if you did nothing. Now one would have assumed with that type of increase in entitlement spending, and the fact that this budget, as it is proposed, is going to run up a public debt which will double in 5 years because of deficit spending in the last year of the budget of $700 billion—deficits which are larger in the last years of this budget than have historically been those that we have borne as a nation over the last 20 years, and a debt which will go from $5.8 trillion to $15 trillion plus. One would have assumed that in that area where the budget is growing the fastest, and which represents the largest amount of cost, that this administration would have stepped forward and said: Well, we can’t afford that; we have to try to slow the rate of growth of spending in that area, or at least not have increased it. But what the President’s budget has done is they have proposed to dramatically increase the amount of spending in the entitlement accounts.

Most of this increase will come in health care. Now, people say, and legitimately so, that we have to reform our health care delivery system in this country; that we have to get better with health care in this country. But does that mean we have to spend a lot more money on it? No. We spend 17 percent of our national product, of what we produce as a nation, on health care. The closest country to us in the industrialized world only spends 11 1/2 percent of their product on health care. So we have a massive amount of money we are spending on health care. In an industrialized nation that is available to correct our health care system. We don’t have to increase it even further.

What the President is proposing is to increase health care spending. As a downpayment, they are saying $600 billion, but actually what they are proposing is $1.2 trillion of new entitlement spending in health care. No control there. In addition, as the Senator from Tennessee noted, they are taking programs which have traditionally been discretionary, which have therefore been subject to some sort of fiscal discipline around here, because they are subject to what is known as spending caps on discretionary programs, and taking these programs and moving them over to the entitlement accounts. Why? Because then there is no discipline. You spend the money, and you keep spending the money, and there is no accountability. So they are taking the entitlement programs out of discretionary accounts and moving it over to entitlement accounts. As the Senator from Tennessee noted, this is over $100 billion of new entitlement spending. I say to keep this up, what are we doing to do? Essentially, what it is going to do is bankrupt our country, but it will certainly bankrupt our kids. We are going to pass on to them a country which has this massive increase in debt—something our children can’t afford, as I mentioned earlier—a debt which will double in 5 years because of the spending, and triple in 10 years. Almost all of this growth in debt is a function of the growth of the entitlement spending in this program. As the Senator from Tennessee noted, they are taking the amount of growth in discretionary, the vast majority of this increase is in spending for entitlement programs.

To put it another way, and to show how much this is out of the ordinary and how much this is a movement of our government to the left—an expansion of government as a function of our society—this chart shows what historically the spending of the Federal Government has been. It has historically been about 20 percent of our national product. That has been an affordable number. Granted, we have run deficits during a lot of this period, but at least it has been reasonably affordable. But this administration is proposing in their budget that we spike the spending radically next year, which is understandable because we are in the middle of a very severe recession and the government is the source of liquidity to try to get the economy going. So that is understandable. Maybe not that understandable. It is more than I would have suggested, but I will accept that. The problem is out here, when you get out to the year 2011,
2012, and 2013, when the recession is over. When the recession is over, they do not plan to control spending. They plan to continue spending on an upward path so it is about 23 percent of gross national products.

What did we run on? That means we are going to run big deficits, big debt, and all of that will be a burden and fall on the shoulders of our children. Our children are the ones who have to pay this cost.

Mr. ALEXANDER. At this point, let me ask the Senator from New Hampshire a question. I have heard you say, and I believe I said a moment ago, that in the 1990s, President Clinton raised taxes, as President Obama is planning to raise taxes, but that President Clinton used it to reduce the deficit.

Mr. GREGG. Yes. When President Clinton raised taxes in the mid 1990s, and a Republican Congress came into play, we controlled spending. He got his tax increase, the deficit went down, because not the increase was put into reducing the deficit. What President Obama is proposing is that he increase taxes by $1.4 trillion—the largest tax increase in the history of our country. Is it going to be used to reduce the deficit? I don’t think so. It is going to be used to grow the government and allow the government to now take 23 percent of gross national product instead of the traditional 20 percent.

So you can’t close this gap. Basically, you have a tax in this bill—and there are a lot of them. There is a national sales tax on everybody’s electric bill, a tax which is basically going to hit most every small business in this country and make it harder for them to hire people; and a tax which limits the deductibility of charitable giving and of home mortgages. All these new taxes are not being used to get fiscal discipline in place, to try to bring down the debt, or limit the rate of growth of the debt, or reduce the size of the deficit. They are being used to explode—literally explode—the size of the Federal Government, with ideas such as nationalizing the educational loan system, ideas such as quasinationalization of the health care system, which is in here, and an massive expansion of a lot of other initiatives that may be worthwhile but aren’t affordable in the context of this agenda.

So this budget is a tremendous expansion in spending, a tremendous expansion in taxes, and a tremendous expansion in taxes. And it is not affordable for our children.

Mr. ALEXANDER. I wonder if I may ask the Senator from New Hampshire about this. Some people may say, with some justification, you, Mr. President, are complaining about spending, yet in the last 8 years you participated in a lot of it yourself. How would you compare the proposed spending and proposed debt over the next 10 years in this budget to the Obama administration with the last 8 years?

Mr. GREGG. That is a good point, and that has certainly been made by the other side of the aisle: Well, under the Bush administration all this spending was done and this debt was run up.

In the first 5 years of the Obama administration, under their budget—not our numbers, their numbers—they will spend more than the debt on the country more and on our children more than all the Presidents since the beginning of our Republic—George Washington to George Bush. Take all those Presidents and put all that debt on the ledger of America, and in this budget President Obama is planning to run up more debt than occurred under all those Presidents. It is a massive expansion in debt.

It is also an interesting exercise in tax policy. Now, I know we are not talking so much about taxes today, but I think it is important to point out that when you put a $1.4 trillion tax increase on the American people, you reduce productivity in this country rather dramatically. One of the unique things about President Bush’s term was that he set a tax policy which actually caused us to have 4 years—prior to this massive recession, which is obviously a significant problem and a very difficult situation—but for the first time in 15 years, during the middle part of his term right up until this recession started, the Federal Government was generating more revenues than it had ever generated in its history. Why was that? Because the tax code was fair and the tax policy, which basically taxed people in a way that caused them to go out and be productive, to create jobs, and to do things which were taxable events.

Unfortunately, what is being proposed here, under this administration’s tax policy, is going to cause people to do tax avoidance. Instead of investing to create jobs, they will go out to invest to try to avoid taxes, and that is not an efficient way to use dollars. The President’s plan will reduce revenues and increase the deficit. So on your point, the simple fact is, as this proposal comes forward from the administration, it increases the debt of the United States more in 5 years than all the Presidents of the United States have increased the debt since the beginning of the Republic.

Mr. ALEXANDER. I see the Senator from Arizona, who is a longtime member of the Senate Finance Committee and a leader to Federal spending and the assistant Republican leader. I wonder, Senator KYL, as you have watched the Congress over the years, to what do you attribute this remarkable increase in spending? We heard a lot of talk last year about change, but this may be the kind of change that produces a sticker shock. It may be a little bit more change in terms of spending than a lot of Americans were expecting.

Mr. KYL. Mr. President, I appreciate the question of my colleague from Tennessee. I also compliment the ranking member of the Budget Committee, the Senator from New Hampshire, who has tried to deal with budgets all the time he has been in the Senate.

If I could begin by just asking him one question: How would you characterize this budget proposed by the President as compared with others, in terms of the taxes and the spending and the debt, and with some way to compare it with all of the other budgets that you have worked with, including all of the Bush budgets?

Mr. GREGG. It has the largest increase in taxes, the largest increase in spending, and the largest increase in debt in the history of the country.

Mr. KYL. Mr. President, I first would answer my colleague from Tennessee. We ought to be spending less and taxing less and borrowing less. Our minority leader asked his staff to do some calculations. Just from the time that the new President raised his hand and was inaugurated as President, how much money have we spent? They calculated that we have spent $1 billion every hour. That is just in the stimulus legislation, this omnibus bill that was just passed last year. 7 percent over the stimulus bill, and we have not even added in the spending that is going to occur as a result of this budget which, as the Senator from New Hampshire said, in just the first year is a third more spending than even the previous year—$3.55 trillion.

In addition to that, it makes much of the so-called temporary spending in the stimulus bill permanent. Some of us predicted that would happen, that when they have a new program in the stimulus bill they surely wouldn’t cut it off after 2 or 3 years. We said they will probably make it permanent. Sure enough, and the ranking member on the Budget Committee can speak to that better than I, but a great many of these programs are permanent. On health care, for example, the Senator from New Hampshire talked about that, but there is no effort to control entitlements. In fact, Medicare, Medicaid, and Social Security all rise between 10 and 12 percent, Medicare itself by $330 billion. This is by permanent, and it is permanent programs.

We also wondered what would happen with respect to the Federal Government’s growth as a result. According to a March 3 Washington Post article, “President Obama’s budget is so ambitious, with vast new spending on health care, energy independence, education, services for veterans, that experts say he probably will need to hire tens of thousands of new Federal Government workers to realize its goals.” According to the article, the additions are as high as 250,000 new Government employees will have to be hired to implement all of this spending.

I know we want to create jobs in this economy, but I wonder if the American people intended that we were going to a whole bunch of new Government bureaucrats to spend all of this money.

This is not responsive to my colleague’s question, but the one area
Mr. ALEXANDER. I wonder if I might ask the Senator from Arizona, one might look at the chart Senator Gregg has up and say that is not too big an increase in Federal spending, but of course the United States produces 25 percent of the world's wealth. When we go up on an annual basis by a few percentage points, it begins to change the character of the kind of country we have.

How do you see this kind of dramatic increase in spending and taxing and debt affecting the character of the country as compared with, say, countries in Europe or other countries around the world?

Mr. KYL. Mr. President, I would say that is getting to the heart of the matter. We can talk about these numbers all day. They are mind-boggling, they are very difficult to take in. But what does it all mean at the end of the day? I will respond in two ways.

First of all, it makes us look a whole lot more like the countries in Europe that have been stagnating for years because they spend such a high percent of their gross national product on government. As the Senator from New Hampshire points out, we have to be careful that we don't contract under this budget. It is a recipe for a lower standard of living in the United States and makes us look a lot more like Europe.

The second way goes back to the policy I think is embedded in this budget. The President has been very candid about this. He talks about it as his blueprint for change. The Wall Street Journal on February 27 said:

With yesterday's fiscal 2010 budget proposal, President Obama is attempting not merely to expand the role of the federal government but to put it in such a dominant position that its power can never be rolled back.

That is the problem. It is the growth of Government controlling all of these segments of our lives. That is what this spending is ultimately all about, as the Senator from New Hampshire said, going over the energy policy, taking over the health care, taking over the education policy, as well as running our financial institutions. It is not just about spending more money and creating more debt and taxing in order to try to help pay for some of that. It is also about a huge increase in the growth of Government and therefore the control over our lives.

In a way, the Wall Street Journal says, 'In a way that can never be rolled back.'

Mr. ALEXANDER. I wonder if either the Senator from Arizona or New Hampshire would have a comment on the way that spending was accomplished in the stimulus bill. For example, in the Department of Education, where I used to work, the annual budget was $68 billion. But the stimulus added $40 billion per year to the department's budget for the next 2 years. There were no hearings. There was no discussion about this. No one said: Are we spending all the money we are spending now in the right way, and if we were to spend more would we give parents more choices? Would we create more choices—more Government—by the President said yesterday, of which I approve, spend some money to reward outstanding teachers?

What about the way this is being spent on energy, education, and Medicaid, for example?

Mr. GREGG. I think the Senator is absolutely right. The stimulus package was a massive unfocused effort by people to fund things they liked. I don't think it was directed at stimulus. It was what people believed there needed to be more money, people who served on the Appropriations Committee, and therefore they massively funded those areas. Between the stimulus bill and the omnibus spending bill, which we received on average an 88-percent increase in funds for 2009 compared to 2008; $155 billion more was spent on those programs for this year than last year. That is just a massive explosion in the size of Government. It is inconsistent with what the purposes of a stimulus package should have been.

The stimulus package should have put money into the economy quickly for purposes of getting the economy going. What this bill did was basically, as you mentioned earlier, build programs that are going to be very hard to rein in. The obligations are there. They are going to have to be continued to be paid for, and, as the Senator from Arizona points out, that was probably the goal: to fundamentally expand the size of Government in a way that cannot be contracted.

Take simply, for example, a very worthwhile exercise which is NIH. They received an extra $10 billion, I believe, on the stimulus package, for 2 years of research. Research doesn't take 2 years. Research takes years and years and years, so you know if you put in that type of money up front you are going to have to come in behind it and fill in those outyears. They basically said you are going to radically expand the size of this initiative. The same thing is happening in education. The same thing is happening in health care. That is where this number goes up; up to 22 percent of gross national product, and it goes up from there. The only way you pay for it is basically taxing our children to the point they cannot have as high a quality of life as we have.

In Mr. ALEXANDER. I heard the Senator from Arizona say it was not just a $1 trillion stimulus package, that by the time you add in all these projected costs in the future, it might be much more.

Mr. KYL. I think the number was $3.27 trillion. I believe that was the correct number over the time of the 10 years.

Mr. GREGG. The Senator from Tennessee certainly knows a bit about education. It all was not spent. There were some policies that actually attempted to reduce some costs—of a program that works very well, that thousands of people in the District of Columbia depend upon to send their kids to good schools. That is the program we put into effect to give a voucher of $7,500 a year to kids to attend private schools, kids who would never have that opportunity otherwise.

If I could ask a question of my colleague from Tennessee, since as former Secretary of Education he knows something about how to make sure our kids have the best opportunities for education in this country, on the District of Columbia, costing about $15,000 a year to educate children and not doing a very good job of it according to all of the test scores, and thousands of parents wishing their kids had an alternative choice, somewhere else, when we create a program that provides a few of them, less than 2,000 a year, I believe, with a voucher that returns only half of that much money to the private school—$7,500, so it doesn't cost the public anything—why, one would think that the President, whose two daughters, by the way, are involved in education, would our colleagues on the other side of the aisle, and the President, whose two daughters, by the way, attend one of the schools that kids would have to be taken out of because they can't afford to go there without the voucher—why would they remove that school choice and the voucher program?

Mr. ALEXANDER. It is very hard to imagine, Senator KYL. Just to make this point we are not personal about that, my son attended the same school that the President's daughters attend when we were here and I was Education Secretary.

School vouchers may not be the solution in every rural county in America, but in the District of Columbia, 1,700 children who are low-income children have a chance to choose among private schools, their parents are delighted with the choice, and a study is coming out this week proving these kids are learning. I do not know the motive behind this, but I do know the National Education Association has made its reputation opposing giving low-income parents the same choices that wealthy people have. That is a poor policy and one ought to have stuck on an appropriations bill like that.

The President has shown good instincts on education. His Education Secretary is a good one. But had we had a chance to debate this in committee and to hear from them, perhaps we could have had a bipartisan agreement that we need to pay good teachers more, we need more charter
schools, and we need to give parents some more choices like these District of Columbia parents.

I know our time is running short. I wonder if the Senator from New Hampshire has any further thoughts about spending.

Mr. GREGG. I thank the Senator from Tennessee for taking this time. I think it all comes down to these numbers. Really, what does spending do? Sure it does a lot of good things, but in the end don't they force us to make it more difficult for our country to succeed and for our children who inherit the debts to succeed. When you double the debt in 5 years because of the spending, and you triple it in 10 years, you are absolutely guaranteeing that you are passing on to our children a country where they will have less opportunities to succeed than our generation. That is not fair. It is simply not fair for one generation to do this to another generation. Yet that is what this budget does. It forces us to run up bills for our generation and turn them over to our children and grandchildren at a rate greater than ever before, a rate of spending greater than has ever been seen before, and a rate of increasing the debt that has never been conceived of before, that you would triple the national debt in 10 years.

It is not fair, it is not right, it is not appropriate, and it certainly is a major mistake, in my opinion.

Mr. ALEXANDER. Senator KYL, to conclude our discussion, this is the beginning of a process in the Senate in which everyone in this country can participate. We are asking that they consider: Can you afford this amount of spending, this amount of borrowing, this amount of taxes? There is a different path we could take toward the future.

Mr. KYL. Indeed, Mr. President, I thank the Senator from Tennessee. As this debate unfolds, I think our colleagues will see that Republicans have some better ideas. We want to spend less and tax less and borrow less. We believe we can accomplish great results in the field of energy, for example, in the field of education, in the field of health care—much more positively, much better results in the long run with a lot less burden on our children and our grandchildren in the future.

As this debate unfolds, we are very anxious to present our alternative views on how to accomplish these results.

The PRESIDING OFFICER (Mr. CARDIN). The Senator is notified that 28 minutes has elapsed.

Mr. ALEXANDER. I thank the Senator from Arizona for his leadership and the Senator from New Hampshire for his views.

This is the beginning of a discussion about a 10-year blueprint offered by our new Proposal for our future in which our country should go. We on the Republican side believe American families cannot afford this much new spending, this many new taxes, and this much new debt. We will be suggesting why over the next 3 or 4 weeks, and in addition to that we will be offering our vision for the future. For example, on energy, some things we agree with, such as conservation and efficiency; some things we would encourage more of, such as nuclear power for carbon-free electricity.

This is the beginning of a very important debate, and the direction in which it goes will dramatically influence the future and make a difference to every single family, not just today's parents but children and their children as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the Bills be suspended and for the Senator from New Hampshire to offer the new Proposal for our future.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise today with great concern regarding the nomination of Mr. David Ogden to serve as the Deputy Attorney General of the United States. There is no doubt that Mr. Ogden has a long record of legal experience. He also, however, brings a long history of representation of the pornography industry and the opposition to laws designed to protect children from sexual exploitation.

He opposed the Children's Internet Protection Act of 2000 that would restrict children's exposure to explicit online materials. Mr. Ogden filed an amicus brief supporting the American Library Association in a case that challenged mandatory anti-obscenity Internet filters in public libraries. He treated pornography like informative data, writing that the "imposition of mandatory filtering on public libraries impairs the ability of librarians to fulfill the purposes of public libraries—namely, assisting library patrons in their quest for information..."

Mr. Ogden also argued against laws requiring pornography producers to verify that models were over 18 at the time their materials were made. Think of that. He challenged the Child Protection and Obscenity Enforcement Act of 1988 that banned child pornography. In 1990, the Child Protection Restoration and Penalties Enforcement Act. Mr. Ogden argued that requiring pornography producers to personally verify that their models were over 18 would "burden too heavily and infringe too deeply the right to produce First Amendment-protected material."

Among the many cases in which Mr. Ogden has advocated interests of the pornography industry, none is more egregious than the position he took in Knox v. the United States.

The facts in the next case are straightforward. Steven Knox was convicted of receiving and possessing child pornography under the Protection of Children from Sexual Exploitation Act after the U.S. Customs Service found in Mr. Knox's apartment several videotapes of partially clothed girls, some as young as age 10, posing suggestively. Serving as counsel on an Act's behalf, Mr. Ogden tried to strike down the 1992 conviction of Mr. Knox. On behalf of the ACLU and other clients, Mr. Ogden submitted a Supreme Court brief advocating the same statutory and constitutional positions as the Clinton Justice Department. Mr. Ogden's arguments stated that while nudity was a requirement for prosecution, nudity alone was insufficient for prosecutions under child pornography statutes. Put simply, Mr. Ogden argued that the defendant had been improperly convicted because materials in his possession would only qualify as child pornography if children's body parts were indecently exposed.

In response, on November 3, 1993, the Senate, right here, passed a resolution by a vote of 99 to 0, condemning this interpretation of the law by Mr. Ogden. President Clinton then publicly rebuked the Solicitor General, and Attorney General Reno overturned his position. Now the Senate is being asked to confirm as Deputy Attorney General someone who advocated the same extreme position on a Federal child pornography statute that the Senate unanimously repudiated 16 years ago.

The Supreme Court has "recognized that there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards." Pornography should not be regarded as immune from regulation simply because it is deemed "free speech."

Furthermore, child pornography in any form should not be tolerated. How can Mr. Ogden's clear position on the right to unfettered access to pornography not interfere with the Justice Department's responsibility to protect children from obscene material and exploitation?

When asked about this very issue at the Senate hearing on his nomination, Mr. Ogden said he hoped he would not be judged by arguments made for clients. If we cannot judge him on his past positions, what can we judge him on? Past performance is a great indicator of future action.

David Ogden is more than just a lawyer who has had a few unsavory clients. He has devoted a substantial part of his career, case after case for 20 years, in defense of pornography. Ogden has profited from representing pornography producers and in attacking legislation designed to ban child pornography.

Should a man with a long list of pornographers as past clients, with a
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I rise to speak about the nomination of David Ogden to be Deputy Attorney General of the Department of Justice.

The vote is made with the belief that dispirits a number of parents and whom he has represented, with views far outside the majority’s views on the issue of child pornography. I know certainly they do not reflect mine.

Mr. SHELBY. Mr. President, I want to get into something else you have been reading about what happened in my State of Alabama yesterday. I offer my condolences to the families and friends of the victims killed in Samson, AL.

Yesterday, my State of Alabama suffered the worst mass shooting in our State’s history. As this tragedy unfolded, our law enforcement responded bravely. I commend them for their actions and efforts. I also offer my sincere sympathies to the victims, their families, and the community. This is a tragedy that did not have to happen.

The TRAGEDY OF A MOTHER

I have no doubt of his legal skills. But the message this sends across the country to parents, who are struggling to raise kids, is not a good one. Our office has been receiving all sorts of calls opposed to Mr. Ogden’s nomination because of that very feature—and deeply concerning. I am struggling within my own families to try to raise kids, to try to raise kids responsibly, and to try to raise them in a culture that oftentimes is very difficult with the amount of violent material, sexual material that is out there, and hoping their Government can kind of back them a little bit and say: These things are wrong. Child pornography is wrong. It should not take place. It should not be on the Internet. And you should not participate in it.

Instead, to then nominate somebody who has represented groups supporting that dispirits a number of parents and says: Is not even my Government and its enforcement agencies to take this on? Are they not going to be concerned about this, as I am concerned about it as a parent? I see it pop up on the Internet, on the screen, at our home way too often, and I do not want my child to see it in the comfort of their place. Then along comes this nominee, who knocks the legs out from under a number of parents.

I want to give one quick fact on this that startled me when I was looking at it. It is about the infiltration of pornography into the popular culture, and particularly directly into our homes, and now it is an issue that all families grapple with, our family has grappled with, my wife and our children. Three of them are out of the household now. We still have two of them at home. We grapple and wrestle with this. Once relatively difficult to procure, pornography is now so pervasive that it is freely displayed on prime-time television shows. The statistics on the number of children who have been exposed to pornography are alarming.

A recent study found that 34 percent of adolescents reported being exposed to unwanted—this is even unsolicited; unwanted—sexual content online, a figure that, sadly, had risen 9 percent over the last 5 years. Madam President, 9 out of 10 children between the ages of 8 and 16 who have had Internet access have viewed porn Web sites—9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites—usually in the course of looking up information for homework.

By the way, this is a very added dimension to the situation we have today. I held a hearing several years back about the addictiveness of pornography, and we had experts in testifying that this is now the most addictive substance out in the U.S. society today because once it gets into your head, you cannot like dry off or dry out of it.

The situation is alarming on its impact on marriages. There is strong evidence that marriages are also adversely affected by addiction to sexually addictive materials. At a past meeting of the American Academy of Matrimonial Lawyers, two-thirds of the divorce lawyers who attended said that excessive interest in online pornography played a significant role in the divorce in the previous year. That is two-thirds of the divorce lawyers saying this is getting to be a situation that is impacting so many of our clients and is so pervasive.

While David Ogden possesses impressive academic credentials, and he certainly is a talented lawyer, he has also represented several clients, significant clients, with views far outside the mainstream, and he has not, to my satisfaction, disavowed the views of these clients. He was given an chance to testify in hearings. He was trying to be pinned down by people on the committee about: What are your views? I understand your clients’ views. What are your views? And he would not respond to the question.
may share the views of some of his clients—of those who have supported pornography—and I cannot trust him to enforce some of our Nation’s most important antichild pornography laws—laws that he has a history of arguing are unconstitutional. That is a position he took as a lawyer that these are unconstitutional, antichild pornography laws.

In an amicus brief David Ogden filed in United States v. American Library Association, he argued that the Children’s Internet Protection Act, which requires libraries receiving Federal funds to protect children from online pornography on library computers, censored constitutionally protected material and that Congress was violating the first amendment rights of library patrons. Now, that was the position David Ogden took.

In a response to written questions submitted by Senator Grassley after his confirmation hearing, David Ogden indicated he served as pro bono counsel—for people who are not lawyers, that means he did it for free—in this case, further calling into question his personal views. If you are willing to represent a client for free, it seems to me there is some discussion or possibility you may really share your client’s views on this issue regarding access to online pornography at libraries.

The Children’s Internet Protection Act passed this body, the Senate, by a vote of 95 to 3 back in 2000. Ninety-five Members of this body believed the Children’s Internet Protection Act was an appropriate measure to protect children from Internet filth and was constitutional because our duty, as well, is to stand for the Constitution and to abide by the Constitution and uphold it.

How can we trust David Ogden to enforce this law when he argued against it as pro bono counsel?

In a disturbing case, Knox v. the United States, in which Stephen Knox was charged and convicted for violating antichild pornography laws—these are child pornography laws but child pornography laws which I think are in another thoroughly disgusting category—David Ogden filed a brief on behalf of the ACLU and others challenging the Federal child pornography statutes. At issue in this case was how child pornography is defined under the Federal statutes.

I am sure many of my colleagues will remember the controversy that surrounded this case. As you may recall, Stephen Knox was prosecuted by the Bush Justice Department—during the first Bush Presidency—and ultimately convicted, after U.S. Customs intercepted foreign videotapes he had ordered. By the time his conviction was appealed, however, President Clinton was in office, and the Justice Department had reversed its position on Knox’s conviction. Drew Days, Clinton’s Solicitor General at the time, chose not to defend the conviction of Knox.

The Clinton Justice Department said: Yes, he is convicted, but we are not going to prosecute this. But the Senate, by a vote of 100 to 0—which is really rare to get around this place—and the House, by a vote of 425 to 3, rejected the Department of Justice’s interpretation of the child porn laws. The Senate unanimously said: Prosecute this. Prosecute this child pornography case.

David Ogden has on the wrong side of this case. I urge my colleagues to consider whether a man who has taken such extreme positions on pornography, and especially child pornography, can be trusted to enforce Federal laws prohibiting this cultural toxic waste. I am not convinced that David Ogden does not share the views he advocated in the Knox case, and I am convinced that at the very least he may be sympathetic to the views of his former client.

I hope David Ogden proves me wrong and he demonstrates a strong willingness to enforce Federal child pornography and obscenity laws. These laws are on the books. I hope he enforces them. And I urge them to vote in favor of his nomination given his past record and the positions he has taken. His past positions have been far too extreme and outside of the mainstream for me, or I think for most Members, to support him to be No. 2 in command of the Justice Department that enforces these laws.

I realize many of my colleagues, and likely the majority, are going to cast their votes in favor of David Ogden. Before they do, I ask them to please consider the negative impact pornography has had—and particularly child pornography has had—on this society and the important role the Justice Department plays in protecting children from obscene and pornographic material, particularly child pornography.

The infiltration of pornography into our popular culture and our homes is something that every parent now grapples with. Once relatively difficult to procure, it is now so pervasive that it is freely discussed all over. Pornography has become both pervasive and intrusive in print and especially on the Internet. Lamentably, pornography is now also a multibillion-dollar-a-year industry. While sexually explicit material is often talked about in terms of “free speech,” too little has been said about its devastating effects on users and their families.

According to many legal scholars, one reason for the industry’s growth is a legal regime that has undermined the whole notion that illegal obscenity can be prosecuted. This judicially created legal regime continues to challenge our ability to protect our families and our children from gratuitous pornographic images, and we must have a Justice Department that is committed to combating this most extreme form of pornography.

Perhaps the ugliest aspect of the pornographic epidemic is child pornography. This is where Mr. Ogden’s record is most disturbing because he is outside of even the minimal consensus on pornographic prosecutions that exist. Children as young as 5 years old are being used for profit in this, regrettable, fast-growing industry. While there has been very little consensus on the prosecution of even the most hard-core adult pornography, there has been widespread agreement on the necessity of going after the purveyors of child pornography. Despite the agreement, this exploitive industry continues to thrive. Every day, there are approximately 116,000 online searches for child pornography—116,000. I think we can all agree that we have a duty to protect the weakest members of our society from exploitation and from abuse.

I fear David Ogden will be a step backward—and certainly sends that signal across our society and to our parents and our families in this effort to combat this most dangerous form of pornography. For those reasons, I will be casting a “no” vote on his confirmation.

Madam President, I yield the floor.

I want the absolute voice of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMA BUDGET

Mr. HATCH. Madam President, a couple weeks ago the Obama administration released an outline of its budget plan for fiscal year 2010. The budget is a plan that reflects the President’s agenda and priorities for the fiscal year.

The document with which most of our colleagues are quite familiar with by now is entitled, “America’s Promise.” While this is a nice title for which I commend the President, it does not sound like the appropriate name for a work of fiction. Because of the impact of the policies outlined in this budget, a more fitting title might be, “How To End America’s Global Leadership and Prosperity Without Really Trying.” Even better, it sounds more like a 1973 Disney animation entitled “Robin Hood.”

In this Oscar-nominated movie about a legendary outlaw, I think a colloquy between Little John and Robinhood sums it up best. Little John said:

‘‘You know somethin’, Robin? I was just wondering, are we good guys or bad guys? You know, I mean our robbing the rich to give to the poor.

Robinhood responded:

‘‘Rob? Tsk, tsk, tsk. That’s a naughty word. Werener rob. We just sort of borrow a bit from those who can afford it.

Simply stated, this budget declares war on American jobs and on the ability of American businesses to save or
create them. It is bitingly ironic, since on the first page of the budget message the President said that the time has come, "not only to save and create new jobs, but also to lay a new foundation for growth."

The very thing this budget lays the foundation of growth for is more Government spending and more taxes.

Indeed, this budget is so bad, it is hard to know where to begin to describe what is wrong with it. But let's start with the assumptions that lay on page 122 of the budget. Right there in black and white are the administration's plans to increase taxes on American businesses—the only entities that can create and save jobs and on a permanent basis—by a minimum of $1.6 trillion over 10 years. I say "minimum" because the total amount may be much higher, as I will explain a little later in my remarks.

This budget is a masterpiece of contradiction. For example, it promises the budget "as a plan to lay the foundation of growth"—the only growth the government and many of our colleagues on the other side of the aisle recognize tax increases have a negative effect on economic growth. So please explain the good idea with a good idea 2 years from now. If the President believes the economy will have recovered by 2011, then why does he keep using the fear of a looming, deep recession to push forward his spending projects? Is it because he knows the economy will not recover or the "Making Work Pay" tax credit for funding for infrastructure? This budget would make the Making Work Pay tax credit permanent. If this credit, which costs the taxpayers $116 billion for just 2 years, was permanent, it would cost more than half a trillion dollars over 10 years in this budget, is a stimulus measure, as we were told, why is it included in the President's budget beyond 2011, when he predicts the economy to recover?

Let us take a look at the single largest tax increase proposal in the history of the world—a huge tax on middle-income people—the so-called "climate revenues" that are listed at $646 billion. That is the cost of this job-killing idea call it a "cap-and-trade" auction, but it is, in reality, nothing more than a gargantuan new tax on American businesses. Moreover, a close look at the footnotes of the table reveals that this $646 billion is not even the extent of this new tax on American industry. The footnotes indicate this is just the portion of the new tax hike that will be used to pay for the Making Work Pay credit permanent and other tax incentives.

Additional revenues will be used to "further compensate the public." It sounds like more income distribution to me.

In a briefing of staff last week, top administration officials admitted these revenues could be two to three times higher than the $646 billion listed in the budget. That means this tax could reach as high as $1.9 trillion—a $1.9 trillion tax increase. That is insane. So what we have in this first part is a brand new job-killing tax on the industrial output of the United States of America, a tax that has never been levied before and which could raise as much as $1.9 trillion over 10 years, and this budget says it is all right because the proceeds of the new tax will go to "compensate the public."

Now, this $1 trillion-plus tax increase will mean businesses will have less money to hire new workers or pay salaries of existing employees. How are we going to compensate the hundreds of thousands or perhaps millions of workers who are employed by these industries when they lose their jobs because their companies can no longer compete because of this new tax? Will that be part of "compensating the public"?

The next highest category of tax increases is almost as bad. The budget outline indicates it would raise $637 billion over 10 years by allowing some of the job-creating tax cuts from 2001 and 2003 to expire at the end of 2010. Now, these massive tax increases are touted as hitting only the so-called wealthy in our society; those who, in another part of the budget this administration officials referred to as the few "well off and well connected" on whom the Government "recklessly" showered tax cuts and handouts over the past 8 years.

What this gross mischaracterization demonstrates is that in the eyes of some individuals are the ones who have the ability to save or create the very jobs we need to turn our economy around.

What the Obama administration and many Democrats in Congress refuse to acknowledge is that the majority of the income earned by small- and medium-sized businesses in America is taxed through the individual tax system. In other words, many of these small businesses pay their taxes as individuals, and they will thus be subject to these huge tax increases.

According to the National Federation of Independent Businesses, over half of the Nation's private sector workers are employed by small businesses. Moreover, 90 percent of these businesses fall into the top two tax brackets which are the ones being targeted for big tax increases by the Obama budget. Let me repeat that. Fifty percent of the owners of these small businesses fall into the top two tax brackets, which are the ones being targeted for the big tax increases by the Obama budget.

The Small Business Administration tells us that 70 percent of all new jobs created is the product of small businesses. Why in the world would we want to harm the ability of America's job creation engines—small businesses—to help us create or save the jobs we so badly need right now? Why would we want to harm their ability? This is sheer folly.

President Obama claims he is providing tax relief to 95 percent of Americans. If you look closely, you will see that the budget raises the cost of living for lower and middle earners. How? The budget's $1.6 trillion in taxes from domestic oil and gas companies. At a time when we are trying to decrease our dependence on foreign oil, we are
forcing oil companies to raise the price of gas at the pump. This increase in gas prices at the pump will have a greater impact on lower income wage earners than on anyone else. I think this cartoon illustrated by David Fitzsimmons of the Arizona Daily Star, with a few of my edits, says it best: We will create 4 million jobs out of one side, and we will raise taxes on those who create those jobs on the other. That is a little harsh, but it kind of makes my point. I don't like this taxation because of how our President depicted this way, but I have to admit it is a pretty good cartoon.

The budget outline also opens the door to universal health care by creating a 10-year, $634 billion "reserve fund" to partially pay for the vast expansion of the U.S. health care system, an overhaul that could cost as much as $1 trillion over 10 years. This expansion is financed, in part, by reducing payments to insurers, hospitals, and physicians. Already I am being deluged by hospitals and physicians. How are they going to survive if they get hammered this way? Now, most people don't have much faith in hospitals and physicians, but it does take money to run those outfits, and to take as much as $1 trillion over 10 years by reducing payments in part to insurers and hospitals is pretty serious. Highlights of these reductions include: competitive bidding for Medicare Advantage, realigning home health payment rates, and by lowering hospital reimbursement rates for certain admissions. Almost one-third of the health reserve fund would be financed by forcing private health plans participating in the Medicare Advantage Program to go through a competitive bidding process to determine annual payment rates. I wish to remind my colleagues that in the past, managed care companies left rural States due to low payments. Utah was one of the States that was severely impacted. I know my State was hurt by it.

Many other States were hurt as well, especially rural States. To correct this situation, Members of Congress on both sides of the aisle worked with both the Clinton and Bush administrations to address this issue in a bipartisan manner by creating statutory language to safeguard Medicare Advantage, realigning home health payment rates, and by lowering hospital reimbursement rates for certain admissions. Almost one-third of the health reserve fund would be financed by forcing private health plans participating in the Medicare Advantage Program to go through a competitive bidding process to determine annual payment rates. I wish to remind my colleagues that in the past, managed care companies left rural States due to low payments. Utah was one of the States that was severely impacted. I know my State was hurt by it.

The Senate and the House of Representatives continue to negotiate on the Medicare Advantage program, and I cannot support any initiative that I believe will limit beneficiaries' choices in coverage under this program. Another outrage and irresponsible attack on U.S. jobs is contained in the proposal to implement international enforcement, reform deferral, and other tax reform policies. This line item is estimated to raise $210 billion over 10 years. This vague description can mean only one thing: Congress and the President plans to tax the foreign subsidiaries of all U.S.-owned businesses on their earnings whether they send the money back to the United States or keep it invested in a foreign country. This is similar to requiring individual taxpayers to pay taxes each year if the value of their home or investments goes up even if they do not sell them. The real danger of this proposal, however, is its impact on U.S. companies and their ability to compete in the global marketplace. Just about all of our major trading partners tax their home-based businesses only on what they earn at home. The rest of the world taxes it that way. They don't tax their businesses for money earned overseas that don't consist of money that are taxed there. The U.S. system is practically the only worldwide system in the industrialized world.

What this means is that an American company that is competing for business in some—let's in some—countries, maybe in the United States—may have competitors from France, the UK, and Germany. Because these other nations don't tax their companies on profits earned in countries other than the home country, they would enjoy a significant competitive advantage over any U.S. company, which, under the Obama proposal, would have to pay U.S. taxes on any profits earned. The result would simply be that multinational businesses would leave the United States and relocate elsewhere, as many have already done. A lot of Fortune 500 companies have left our country, in part because of tax ideas such as this. They don't want to go. U.S. firms will become ripe for international takeovers, and we would lose our global leadership, prestige, market share, jobs, and the bright future our country has enjoyed for decades.

In 1960, 18 of the world's largest companies were headquartered in the United States. Today, just eight are based in the United States. We have the largest corporate tax rates of any major country in the world. Can you imagine, if we reduced those rates, as I and other Republicans have suggested, from 35 to 25 percent, the jobs that would be automatically created? I cannot begin to tell you.

In 1960, we had 18 of the world's largest companies right here in the United States. Today, we only have eight based in the United States partly because of these stupid, idiotic tax changes. If we pass this proposal, within a short time, there will be none. I predict that the United States will be the last place on Earth businesses will want to locate.

I will show you this poster: Effect of Taxing U.S.-owned Subsidiaries. The United States has the second highest corporate tax rate. Again, in 1960, 18 of the world's largest companies were headquartered here. Today, only eight of the world's largest companies are headquartered in the United States. That is part of the reason why the President believes our Tax Code includes incentives for U.S. businesses to ship jobs overseas, and this proposal is an attempt to end this practice. However, the evidence shows that our tax laws do not have the job loss but to increases in U.S. employment when companies invest overseas.

We have all heard the accusations, time after time, right here on the Senate floor. It goes something like this: U.S. companies move their jobs here, laying off all of their workers, just to move their production to a lower wage paying country, where those same goods are made with cheap labor and shipped right back to the United States. Well, these accusations are largely unfounded. In 2006, just 9 percent of sales of U.S.-controlled corporations were made back to the United States. Our companies are not sending production jobs for U.S. products overseas. Instead, they are making products overseas for the overseas market, and they are doing it for solid business reasons, such as transportation savings, not for tax reasons.

Overseas, the evidence is that the United States plants of companies without foreign operations pay lower wages than domestic plants of U.S.-owned multinational companies. This means companies that have overseas operations pay more to their U.S. workers than those that do not invest in other nations. Studies by respected economists show that increasing foreign investment is associated with U.S. investment and higher U.S. wages. Overseas investment by U.S. companies is generally a good thing for the U.S. economy and for U.S. jobs. Attacking the deferral rule, as the Obama budget proposes, would do horrendous damage to our ability to compete in an increasingly global economy and will lead to our loss of world industrial leadership.

Just last week, I talked to one of the leading pharmaceutical CEOs in America. This leader and his family all came to America. They love this country. They don't want to leave. He made it very clear that if this type of tax law goes through, he is going to move to a more fair country. He will have to move his operations to Switzerland, where they are not treated like this. He doesn't want to do that—leave this beloved country—but to compete he would have to. All those jobs would go elsewhere, too. I am thinking about this in the Obama administration, but they better start thinking about it.
I could go on about why this is the worst budget proposal I have seen in all of my nearly 33 years in this body. However, I will simply focus on one more reason.

President Obama has said this budget would allow us to reduce the Federal deficit by half over the next 4 years. While this is a noble goal, unfortunately, it is not one he can claim. Using the only common baseline there is, which assumes no change to current law, the deficit would decline—if we had no changes in current law—from $1.428 trillion in 2009 to $1.156 billion in 2013. That is including the expiring tax cuts. To put it in other words, if we do nothing, according to CBO, the deficit would decline by 90 percent over the next 4 years. Let me say that again. If we do nothing, the Federal deficit would decline by 90 percent, according to the estimates. President Obama proposes to reduce that decline to 50 percent by adding more Government spending.

I wish President Obama would follow his own lofty rhetoric. He says he wants to save and create jobs. We all do. But the way to do it is not through the job-killing policies found in this budget. It is time for a forthright budgeting. But this document is just a means for him to put forth his ultraliberal philosophy while claiming to be fiscally responsible. As you can see from this cartoon, the President talks the talk, but this document doesn't walk the walk. Again, I know he probably laughs at these things, as I do when they do it to me. I don't want to treat the President like that, but it does make the point. He talks bipartisanship, he talks fiscal responsibility, but everything they are doing can be called irresponsible by good people who understand economics.

Look, I happen to like this President. I happen to want him to succeed. I care for the man. He is bright, articulate, and charismatic. I think that is apparent by the way the general public treats him. They want him to succeed. I do too. He doesn't write this budget himself. I don't blame him for this, except it is under his auspices that it is being touted. He has bright people around him. It is tough to find people brighter than Larry Summers; I think a lot of him. JOE BIDEN is very bright, and he knows a little bit about this. Joe is a liberal, as is a self-identified liberal. They are allowing this to go forward at a time when they are going to hurt this country rather than help it. I think we have to point some of these things out, and hopefully the President will see some of these things and say: Holy cow, I didn't really realize this was in the budget. It is pretty hard because most people don't know what is in the budget. I doubt he has had a chance to read it. I want him to succeed, but he is not going to succeed with this budget.

This country is resilient, and maybe the country will pull out of this no matter what he does. I think we are in very trying times. This is the greatest country in the world. I don't want to see it diminished in any way. I am prepared to do things—people know that around here—to bring people together on both sides and help this President be successful. He has made overtures to me, and I very much respect him and I appreciate that. I want to help him.

I have to tell you that one of the reasons I am giving these remarks today is because I am very concerned about this type of a budget. We have put up with this kind of stuff in both Democratic and Republican administrations. It is time to quit doing it and start facing realities in this country. I see as much as a $3 trillion deficit in the near future. It is hard to even conceive of that. Yet that is where we are headed. I want Mr. Geithner to succeed. Everybody knows I stood firmly for him in spite of all of the problems. He is a very bright guy, and I hope he succeeds. I will do what I can to help him, not to stick them like this. I hope the President will get into it a little bit more, and I hope Larry Summers will get into it a little bit more. If they have been taking advantage of a crisis to pass a huge welfare agenda that is going to hurt this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I have been watching the nominations from President Obama with quite a bit of concern. When I go back to my State of Oklahoma, people say: What would happen to us if we didn't pay our taxes? And I thought it couldn't get much worse than that.

I am here today to make sure everyone focuses attention on a couple of nominations that I think are outrageous.

First is my opposition to the nomination of David Ogden to be the U.S. Deputy Attorney General. Last year, Congress passed a significant piece of legislation, the Protect Our Children Act, to address a growing problem of child pornography and exploitation. Both sides of the aisle hailed it as a great success. Democrats and Republicans thought that was great; we are going to protect our kids against child pornography and exploitation. While I proudly supported that legislation, I am shocked President Obama has nominated a candidate to serve in the No. 2 position in the Department of Justice who has repeatedly represented the pornography industry and its interests.

As we are witnessing a significant increase in the exploitation of children on the Internet, we do not need a Deputy Attorney General who will be dedicated to protecting children with that kind of background. David Ogden has represented the pornography industry for a long period of time.

In United States v. American Library Association, Ogden authored the Children's Internet Protection Act of 2000. I remember that well. We passed it here. He filed a brief with the Supreme Court opposing Internet filters that block pornography at public libraries. He challenged provisions of the Child Protection and Obscenity Enforcement Act of 1988 which seeks to prevent the exploitation of our Nation's most vulnerable population; that is, our children. He instead fought for the interests of the pornography industry.

As a grandfather of 12 grandchildren, I am confident that I stand with virtually all of the parents and grandparents around this country in opposing gross misinterpretations of our laws that have some use to justify the exploitation of women and children in the name of free speech. That is what was happening. That is David Ogden.

Some claim Ogden is simply serving his clients. Yet his extensive record in representing the pornography industry is pretty shocking, especially considering he has been nominated to serve in the Government agency that is responsible for prosecuting violations of Federal adult and children pornography laws.

Let's keep in mind, he is in the position of prosecuting the offenders of these laws, and yet he has spent his career representing the pornography industry.

Additionally, his failure to affirm the right to life gives me a great concern. I don't think that is uncharacteristic of most of the nominees of this President. No one is pro-life that I know of, that I have seen.

In the Hartigan case, Ogden authored a brief arguing that parental notification was an unconstitutional burden for a 14-year-old girl seeking to have an abortion. In the case of abortion, parents have the right to know.

In United States v. American Library Association, he represented the pornography industry. In the case of abortion, parents have the right to know.

As a grandfather of 12 grandchildren, I am concerned about my nearly 33 years in this body.

The occupier of the chair is a woman. She is pregnant. She is available. She is receptive. She is emotional. She is psychological or emotional problems. She is the mother of two children. She is a sensitive woman. She is a cultured woman. She is a woman who I think I can relate to. Yet she is committed to a law that is constitutional and to an industry that I think is uncharacteristic of Congress.

In United States v. American Library Association, Ogden filed a brief in the case of United States v. American Library Association, Ogden filed a brief in the case of United States v. American Library Association. He denied the potential and psychological risks of abortion to informing women of the emotional or psychological problems. He wrote: The occupier of the chair is a woman. We are making their interpretation as to what feelings women have. He wrote this. Again, this is the same person we are talking about. David Ogden. He said:

Abortion rarely causes or exacerbates psychological or emotional problems...she is...
more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant . . . risks or adverse psychological effects.

What he is saying is it is a relief. This is something he finds not offensive at all. He is actually promoting abortions.

We have to be honest. We need to talk about the mounting evidence of harmful physical and emotional effects that abortion has on women.

For these reasons, I oppose his nomination.

I also want to address my opposition to the nomination of Elena Kagan to serve as Solicitor General. Because of its great importance, quite often they talk about the Solicitor General as the tenth Supreme Court Justice and, therefore, it requires a most exemplary candidate. She served as the dean of Harvard Law School, which is no doubt an impressive credential. However, in that role, she demonstrated poor judgment on a very important issue to me.

While serving as the dean of Harvard Law School, Kagan banned the military from recruiting on campus. We have to stop and remember what happened in this case. In order to protect the rights of people to recruit—we are talking about the military new—on campuses to present their case—nothing mandatory, just having an option for the young students—Jerry Solomon—at that time I was serving in the House of Representatives with him—had an amendment that ensured that schools could not deny military recruiters access to college campuses. Claiming the Solomon amendment was immoral, she filed an amicus brief with the Supreme Court in Rumsfeld v. FAIR opposing the amendment. The Court unanimously ruled against her position and affirmed that the Solomon amendment was constitutional.

It is interesting, for a split division it might be different. This is unanimous on a diverse Court. I also express my opposition to two other Department of Justice nominees—Dawn Johns and Thomas Pirell. Dawn Johnson, who has been nominated to serve as Assistant Attorney General in the Office of Legal Counsel, has an extensive record of promoting a radical pro-abortion agenda. She has gone to great lengths to challenge pro-life provisions, including parental consent and notification with her. She has even inserted on behalf of the ACLU that ‘Our position is that there is no ‘father’ and no ‘child’—just a fetus.’

As a pro-life Senator who believes each child is the creation of loving God, I believe life is sacred. I cannot in good conscience confirm anyone who has served as the legal director for the National Abortion and Reproductive Rights Action League. The right to life is undeniable, indisputable, and unequivocally a moral fiber fundamental to the strength and vitality of this great Nation.

For a similar reason I can’t support the nomination of Thomas Perrelli to serve as Associate Attorney General. Keep in mind now, we are talking about the four top positions in the Justice Department. And like other nominees I have discussed today, Mr. Perrelli has failed to protect the dignity of all human life, as an advocate for euthanasia, and I think we know the background of that.

I would only repeat that these are not people with just an opinion, they are extremity, talking about someone in the No. 2 position of the Department of Justice who actually has been involved in representing the pornography industry, and this is something that is totally unacceptable.

I think as we look at these nominations, I suggest that those individuals who are supporting these look very carefully, because people are going to ask you the question: How do you justify putting someone who supports pornography, who has been paid for it and been by that industry, in the No. 2 position in the Justice Department?

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I am here to speak in favor of David Ogden to be the next Deputy Attorney General of the United States.

I have listened to my colleague and friend from Oklahoma, and I am not going to be able to respond to everything he said about every nominee, but I did want to talk today about Mr. Ogden. He is someone who I believe should be our next Deputy Attorney General, at a Department of Justice that is much in need of a Deputy Attorney General, and he is someone who will hit the ground running. He will beef up civil rights and antitrust enforcement. He will address white-collar crime and drug-related violence, as well as help to keep our country safe from terrorist attacks.

We know the to-do list and the demands on the next Deputy Attorney General will be great. Part of why it will be so great is something that I saw in my own State. We had a gem of a Deputy Attorney General, George W. Bush, and George Terwilliger, who served in the same role under President George W. Bush, and George Terwilliger, who served in the same role under President George H. W. Bush.

There are so many things on the Justice Department’s plate, and we need someone to be up and running. But I want to respond specifically to some of the themes we heard today. There was a statement by one of Senators that Mr. Ogden opposed a child pornography statute that we passed in 1998.
We are dealing with murders and street registering this $800 billion in money and of his Justice Department leadership the ATF, the Bureau of Prisons, and all General, including the FBI, the DEA, officer reports to the Deputy Attorney and forth and back and forth and have important? Why can we not go back made in a political context. the statement that is made in a political children more than I believe some protecting children. Now, I tend to be- made in a political context.ceive responsibility of the Department of the Justice Department official in the and Rachel Brand, another high-level General of the most recent Bush ad- for his nomination. They include Larry pending before the Senate is the nomi- tion are fortunate that President Obama has put forward this nomina- tion. Mr. Ogden's record includes supervising key national security and law enforcement offices such as the FBI and our counterterrorism operations. Mr. Ogden is a graduate of Harvard Law School, former law clerk to a Su- preme Court and one of the most prestigious jobs in the legal profession. He had three senior posi- tions in the Janet Reno Justice De- partment and served as her Chief of Staff, Associate Deputy Attorney Gen- eral, and also served as Assistant At- torney General in the Civil Division, a position for which he received unani- mous confirmation by this Senate. Mr. Ogden also served as the Deputy Gen- eral Counsel at the Defense Depart- ment. Given this excellent background, it is not surprising that David Ogden gained the support of many prominent con- servatives. At least 15 former officials of the Reagan and both Bush adminis- trations have announced their support for his nomination. They include Larry Thompson, the first Deputy Attorney General of the most recent Bush ad- ministration; Peter Keiser, former high-level Justice Department official; and Rachel Brand, another high-level Justice official in the Bush administration. Their words are similar. I will not read into the Record each of their statements, but they give the highest possible endorsement to David Ogden.

Due to a scheduling conflict, I could not attend his hearing, but I asked him to come by my office so we could have time together and I could ask my ques- tions face to face. We talked about a lot of subjects, including criminal jus- tice reform, human rights, and the pro- cessing key national security and law enforcement offices such as the FBI and our counterterrorism operations. Mr. Ogden is a graduate of Harvard Law School, former law clerk to a Su- preme Court and one of the most prestigious jobs in the legal profession. He had three senior posi- tions in the Janet Reno Justice De- partment and served as her Chief of Staff, Associate Deputy Attorney Gen- eral, and also served as Assistant At- torney General in the Civil Division, a position for which he received unani- mous confirmation by this Senate. Mr. Ogden also served as the Deputy Gen- eral Counsel at the Defense Depart- ment. Given this excellent background, it is not surprising that David Ogden gained the support of many prominent con- servatives. At least 15 former officials of the Reagan and both Bush adminis- trations have announced their support for his nomination. They include Larry Thompson, the first Deputy Attorney General of the most recent Bush ad- ministration; Peter Keiser, former high-level Justice Department official; and Rachel Brand, another high-level Justice official in the Bush administration. Their words are similar. I will not read into the Record each of their statements, but they give the highest possible endorsement to David Ogden.

Due to a scheduling conflict, I could not attend his hearing, but I asked him to come by my office so we could have time together and I could ask my ques- tions face to face. We talked about a lot of subjects, including criminal jus- tice reform, human rights, and the pro- cessing key national security and law enforcement offices such as the FBI and our counterterrorism operations. Mr. Ogden has the experience, the talent, and the judgment needed for this critical position.

The Deputy Attorney General is the No. 2 person at the Justice Depart- ment. He is the day-to-day manager of the entire enormous apparatus such as waterboarding. Sen- ator SHELDON WHITEHOUSE of Rhode Is- land and I requested this investigation. Mr. Ogden committed to us that he would provide Congress with the re- sults of the investigation as soon as possible. This is the kind of trans- parency and responsiveness to congres- sional oversight we expect from the Justice Department and something that we have been waiting for. We also discussed the Justice Depart- ment's role in implementing President Obama's Executive orders in relation to the closure of the Guantanamo Bay detention facilities and review of deten- tion and interrogation techniques. We discussed the investigation by the Justice Department's Office of Profes- sional Responsibility, as to the attor- neys in that Department who author- ized the use of abusive interrogation techniques such as waterboarding. Sen- ator COBURN who is a Republican from Okla- homa, on the other side of the aisle. We passed legislation allowing the Justice Department to prosecute perpe- trators of genocide and other war crimes in the U.S. courts. I believe Mr. Ogden appreciates the importance of enforcing these human rights laws.

At the end of our meeting, I felt con- fident David Ogden will be an excellent Deputy Attorney General. I want to make one final point. There is some controversy associated with his appointment that I would like to ad- dress directly. I have been aware of some criticism that David Ogden represented clients whom some con- sider controversial. He has been criti- cized in his representation of libraries and bookstores who sought first amendment free speech protections, and for his representation of a client in an abortion rights case.

I would like to call to the attention of those critics a statement that was made by John Roberts, now Chief Justicething we are going to require— including the Mexican drug cartels, which will be the subject of a hearing in just a few days, racial disparities in the criminal justice system in America, and urgent need for reform. That is an issue, I might add, that is near and dear to the heart of our col- league, Senator JIM WEBB of Virginia. I am going to try to help him move for- ward in an ambitious effort to create a presidential commission to look into this.

The Justice Department will play an important role in reclaiming America's mantle as the world's leading cham- pion for human rights. Mr. Ogden and I discussed the Justice Department's role in implementing President Obama's Executive orders in relation to the closure of the Guantanamo Bay detention facilities and review of deten- tion and interrogation techniques. We discussed the investigation by the Justice Department's Office of Profes- sional Responsibility, as to the attor- neys in that Department who author- ized the use of abusive interrogation techniques such as waterboarding. Sen- ator SHELDON WHITEHOUSE of Rhode Is- land and I requested this investigation. Mr. Ogden committed to us that he would provide Congress with the re- sults of the investigation as soon as possible. This is the kind of trans- parency and responsiveness to congres- sional oversight we expect from the Justice Department and something that we have been waiting for. We also discussed the Justice Depart- ment's role in implementing President Obama's Executive orders in relation to the closure of the Guantanamo Bay detention facilities and review of deten- tion and interrogation techniques. We discussed the investigation by the Justice Department's Office of Profes- sional Responsibility, as to the attor- neys in that Department who author- ized the use of abusive interrogation techniques such as waterboarding. Sen- ator SHELDON WHITEHOUSE of Rhode Is- land and I requested this investigation. Mr. Ogden committed to us that he would provide Congress with the re- sults of the investigation as soon as possible. This is the kind of trans- parency and responsiveness to congres- sional oversight we expect from the Justice Department and something that we have been waiting for. We also discussed the Justice Depart- ment's role in implementing President Obama's Executive orders in relation to the closure of the Guantanamo Bay detention facilities and review of deten- tion and interrogation techniques. We discussed the investigation by the Justice Department's Office of Profes- sional Responsibility, as to the attor- neys in that Department who author- ized the use of abusive interrogation techniques such as waterboarding. Sen- ator SHELDON WHITEHOUSE of Rhode Is- land and I requested this investigation. Mr. Ogden committed to us that he would provide Congress with the re- sults of the investigation as soon as possible. This is the kind of trans- parency and responsiveness to congres- sional oversight we expect from the Justice Department and something that we have been waiting for. We also discussed the Justice Depart-
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He was asked about the positions he had advocated on behalf of his clients as an attorney. Here is what the Chief Justice told us:

It’s a tradition of the American Bar Association that goes back before the founding of the country, that attorneys are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about changing the rule of law.

And he went on to say:

That principle, that you don’t identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of a client, is critical to the fair administration of justice.

You practiced law, Madam President. I have too. Many times you find yourself in a position representing a client where you do not necessarily agree with their position before the court of law. So we are dutybound to bring that position before the court so the rule of law can be applied and a fair outcome would result. If we only allowed popular causes and popular people representation in this country, I am afraid we would not be playing the same fairness to him that was given to Chief Justice Roberts in that hearing.

I would remind the conservative critics of Mr. Ogden, look carefully at that testimony. What is good for the goose is good for the gander.

After 8 years of a Justice Department that often puts politics over principle, we now have a chance to confirm a nominee with strong bipartisan support who can help restore the Justice Department to its rightful role as guardian of our laws and the protector of our liberties.

David Ogden has the independence, integrity, and experience for the job. I urge my colleagues to join me in voting for his nomination to be Deputy Attorney General.

CLEAN COAL RESEARCH PROJECT

Mr. DURBIN. Madam President, it was about 7 years ago when the Bush administration announced what they said was the most significant coal research project in the history of the United States. The name of the project was FutureGen. The object was to do research at a facility to determine whether you could burn coal, generate electricity, and not pollute the environment. It is an ambitious undertaking.

The way they wanted to achieve it was to be able to capture the CO2 and other emissions, virtually all of them coming out of a powerplant burning coal, and to sequester them; that is, to stick them underground, find places underground where they can be absorbed by certain geological founda-

tions, safely held there. Of course, it was an ambitious undertaking. It had never been done on a grand scale anywhere in the country.

Well, the competition got underway and many States stepped forward to compete for this key research project on the future of coal. There were some five to seven different States involved in the competition. My State of Illinois was one of them. The competition went on for 5 years.

Each step of the way, the panel of judges, the scientists and engineers would judge the site. Is this the right place to build it? Is it going to use the right coal? Can they actually pump it underground and trap it so that it will not ever be a hazard or danger at any time in the future? Important and serious questions.

My State of Illinois spent millions of dollars to prove we had a good site. We went all the way down to a decision, there were two States left: Texas and Illinois. Well, I took a look around at our President and where he was from, and I thought, we do not have a chance. Yet the experts made the decision and came down in favor of Illinois.

They picked the town of Mattilo, IL, which is in the central eastern part of our State, in Coles County, and said that is the best place to put this new coal research facility.

We were elated. After 5 years of work, we won. After all of the competition, all of the different States, all of the experts, all the visitors, everything that we put into it, we won the competition.

Within 2 weeks, the Secretary of the U.S. Department of Energy, Mr. Bodman, came to my office on the third floor of the Capitol and said: I have news for you. I said: What’s up? He said: We are cancelling the project. I said: You are cancelling it? We have been working on this for 5 years.

He said: Sorry, it cost too much money. The mistake was that this was going to cost $1 billion. When the President first announced it, we knew inflation would add to the construction costs over some period of time. But here was Mr. Bodman saying it cost almost twice as much as we thought it would cost; therefore, we are killing the project.

Well, I was not happy about it. In fact, I thought it was totally unfair, having strung us along for 5 years, and now many others spend millions of dollars in this competition, go through the final competition and win, and then be told, within 2 weeks: It is over; we are not going to go forward with it.

So I went to Mr. Bodman: Well, you are going to be here about a year more, and I am going to try to be here longer. At the end of that year, when you are gone, I am going to the next President, whoever that may be, and ask them to make this FutureGen research facility a reality.

I told the people back home: Do not give up. Hold on to the land we have set aside. Continue to do the research work you can do. Bring together the members of the alliance—which are private businesses, utility companies, coal companies—not only from around the United States but around the world interested in this research and tell them: Don’t give up.

So we hung on for a year, literally for a year, and a new President was elected. It happened to be a President I know a little bit about, who was my colleague in the Senate, Senator Obama. When we served together, he knew all about this project and had supported it.

So now comes the new administration and a new chance. The Obama administration has said to me and all of us interested in this project: There is one man who will make the decision: it is the Secretary of Energy, Dr. Chu. He is a noted scientist who will decide this on the merits. He is going to decide whether this is worth the money to be spent. And when we made him, we presented our case to him, and left it in his hands. We are still worried about this whole issue of cost.

BART GORDON, a Congressman from the State of Tennessee and serves on the Science Committee, sent the Government Accountability Office to take a look at FutureGen to find out what happened to the cost, why did it go up so dramatically.

Well, the report came out last night. Here is what the report found. The report found the Department of Energy had miscalculated the cost of the plant, oversrating its cost by $500 million because they made a mathematical error—$500 million.

Taking that off the ultimate cost brings it down into the ordinary construction inflation cost. And so many of us who argued their estimate of cost was exaggerated now understand why. They made a basic and fundamental error in calculating the cost of this project.

Here is what we face. Now, 53 percent of all the electricity in America is generated by coal. Burning coal can create pollution. Pollution can add to global warming and climate change, and we have to be serious about dealing with it.

This plant is going to give us a chance to do that. When the GAO took a look at the Department of Energy documentation, they discovered a memo which said: If we kill the FutureGen coal research plant, we will set coal research back 10 years with all of the time they put into it. All of the effort they put into it would have been wasted and could not be replicated.

So that is what is at stake. The ultimate decision will be made by Dr. Chu at the Department of Energy. I trust that he will find a way to help us move forward, but I want him to do it for the right scientific reason. And if we are successful, we will not only be able to demonstrate this technology for America but for the world. The reason why foreign countries are joining
us in this research effort is what we discover will help them. China is building a new coal-fired plant almost every week and is going to be adding more pollution to the environment than we can ever hope to take care of in the United States alone.

But if we can find a way, a technology, a scientific way, using the best engineering and capture that pollution before it goes into the air, it is a positive result not just for the United States but for the world.

From a parochial point of view, we happen to be sitting on a fantastic energy reserve right here in America. There are coal reserves all across the Midwestern United States, and almost 75 percent of my State of Illinois has coal underneath the soil. It is there to be had and used. But we want to use it responsibly.

We want to make sure at the end of the day that we use coal and say to our kids and grandkids: We provided the electricity you needed but not at the expense of the environment you need to survive.

So this finding by the GAO has given us a new chance. We are looking forward to working with the Department of Energy. For those back in Illinois who did not give up hope, we are still very much alive, and this latest disclosure gives us a chance to bring the cost within affordable ranges. I hope the Department of Energy will decide to move forward on this critical research project.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WEBB. 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 remarks of Mr. Webb pertaining to the introduction of S. 572 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

EMARMS

Mr. WEBB. Madam President, I rise to address the recent debate we have had on the Omnibus appropriations bill with respect to earmarks. The premise seems to be, for those who have criticized the earmarks process, that this is pork. Sometimes it is; sometimes it is not. But I would start first with the Constitution.

There is nothing in the Constitution that says the executive branch of Government should appropriate funds or decide which funds should be spent. That is a procedure that has evolved over the centuries because of the complexities of Government, where the executive branch looks at its needs and comes to the Congress and asks for appropriations. For instance, when individual Members of Congress, exercising their authority to appropriate under the Constitution, decide and recommend that worthwhile programs in an ideal case should be included in a budget process, programs that have not been considered or included by the executive branch or through other processes.

For instance, last year, along with Senator John Warner, now retired, to bring $5 million into a rural area of Tidewater, VA, so they could put broadband in. Broadband is something we know all Americans who want to compete for their future and contribute equally need to have. It didn’t make it into anybody’s bill. Who is thinking about sparsely populated areas such as rural Virginia? Yet we were able to bring a lot of benefit to those who otherwise would not have received it.

What I would ask my colleagues, particularly those who have become so adamant in their concern over the earmarks process, to consider is, let’s take a look at the budget that comes to the Congress. The Congress is in a position to say that over that come through, in some cases, unnecessary influence or individual discretion? You bet there is.

I say that as someone who spent 5 years in the Pentagon, 4 years of which I was on the Defense Resources Board where on any given day we were implementing a budget, arguing a budget in the Congress, and developing the next year’s budget. I offer an example of a situation that has been following for the last 10 months and use it as an invitation to colleagues to join me in looking at where there can be abuses of discretion and where there can be a lot of money that can be saved.

Ten months ago, on May 21, there was an article in the Wall Street Journal that talked about Blackwater Worldwide attempting to obtain local approval for a new training center in San Diego, CA. We all remember Blackwater. They are an independent contractor that has done more than a billion dollars of business since the Bush administration, the most recent Bush administration took office. I became curious about this project, first, because I had seen reports of what a very high percentage of the Blackwater contracts had been awarded were either noncompete orminimal compete and the high volume number, more than a billion of them. And also the fact that the Secretary of the Navy, they were apparently wanting to build a training center so they could train Active-Duty sailors how to defend themselves onboard a ship.

Having spent time in the Marine Corps, I immediately thought about what it would have been like to have a nonmilitary contractor teaching me how to do patrolling when I was going through basic school in Quantico all those years ago. It didn’t fit.

I started asking around. The first thing I found out was, this was a contract from the Navy that was worth about $64 million. I wrote a letter to Secretary Gates. I said: Is this Blackwater program in any way authorized or funded by U.S. tax dollars? The answer came back, yes, obviously. I asked: Is there specific legislative authorization for it? Because I couldn’t find any, as a member of the Armed Services Committee, was no. According to Secretary Gates, this activity falls under the broad authority provided to the Secretary of Defense and the Secretaries of the military departments to procure goods and services using funds and prescribed procedures for those procurements.

Then I asked him in this letter: Is there a specific appropriation, either in an appropriations bill or through an earmark? The answer is: No, there was no specific appropriation or earmark directing this effort.

As we started to peel this back, here is what we found. An individual, an SCS, midlevel individual in the Department of Defense, was able to approve this type of a program up to the value of $78 million, without even having a review by the Secretary of the Navy. This was not an authorized program. It was not an appropriated program. It was money that came out of a block of appropriated funds for operation and maintenance that then somebody in the Navy said was essential to the needs of the service, the needs of the fleet, which is a generic term.

I asked my colleagues who are so concerned about some of the pork projects or earmarks process here, which has gained a great deal of visibility since I have been here over the past 2 years and transparency, to join me in taking a look at these sorts of contracts. When a midlevel person in the Pentagon has the authority to approve a program that hasn’t been authorized and hasn’t been appropriated up to the value of $78 million and not even have the oversight of the Secretary of that service, that is, what is the potential for true abuse of the process. That is where we need to start focusing our energies as a Congress.

Mr. REID. Madam President, today we debate the nomination of David Ogden to be the Deputy Attorney General of the United States.

Mr. Ogden is highly qualified for this important job. He is a graduate of Harvard Law School and clerked on the Supreme Court. He was White House counsel Harry Blackmun. During the Clinton administration, he served as the Assistant Attorney General for the Civil Division and as chief of staff to the Attorney General.

He also previously served as Deputy General Counsel at the Department of Defense, so he has a keen appreciation for the national security issues that he will face at DOJ. He has an excellent reputation among his fellow lawyers and is supported by a number of former Republican Justice Department officials.

It is surprising to me that we need to spend more than a full day debating
ty firefighter. The firefighter was being represented a Los Angeles County firefighter. The firefighter was being represented a range of media clients. Mr. Ogden represented a Los Angeles County firefighter. The firefighter was being represented a range of media clients.

As I understand it, those who oppose this nominee disagree with positions he took on behalf of some of his clients, including media organizations. In my view, that is a very unfair basis for opposing a nominee. As a former practicing lawyer strongly that a lawyer should not be held personally responsible for the views of his clients.

President Obama deserves to have his advisors, especially members of his national security team, in place as quickly as possible. I urge confirmation of this outstanding nominee.

Mr. LEAHY. Madam President, even after abandoning the ill-conceived filibuster of President Obama’s nomination of David Ogden to be Deputy Attorney General, we still hear Republican Senators making scurrilous attacks against Mr. Ogden, launched by some on the extreme right.

As I said on the Senate Floor earlier, David Ogden is a good lawyer and a good man with a good family. He is a husband and a father. Yet, regrettably and unbelievably, we still hear chants that he is a pedophile and a pornographer. Those charges are false and they are wrong. Senators know better than that.

Special interests on the far right have distorted Mr. Ogden’s record by focusing only on a narrow sliver of his diverse practice as a litigator spanning over three decades. Dating back to the 1980s, Mr. Ogden’s practice has included, for example, major antitrust litigation, counseling, representation and authorship of a book on the law of trade and professional associations, international litigation and dispute resolution. False Claims Act and Export Investigations, and a significant practice in administrative law. In other words, he has been a lawyer, representing clients. For the last 8 years, since leaving Government service, Mr. Ogden has represented corporate clients in a range of industries, including transportation clients like Amtrak and Lufthansa, insurance and financial institutions like Citibank and Fireman’s Fund, petrochemical companies like Shell and BP and pharmaceutical concerns like PhRMA and Merck.

Here are the facts that underlie the overheated rhetoric: As a young lawyer in a small firm with a constitutional practice, along with other lawyers in that respected DC law firm, Mr. Ogden represented a range of media clients. He represented the American Library Association, the American Booksellers Association, and Playboy Enterprises.

In the early 1980s, while at the respected firm of Ginell & Bing, Mr. Ogden represented a Los Angeles County firefighter. The firefighter was being prohibited from reading or playing Playboy magazine at the firehouse, even when on down time between responding to fires. The Federal Court reviewing the matter held that the first amendment protected the firefighter’s right to possess and read the magazine. That representation does not make Mr. Ogden a pornographer, a pedophile or justify any of the other epithets that have been thrown his way.

He also challenged a prosecution strategy that threatened simultaneous indictments in multiple jurisdictions with the goal of negotiating plea agreements that put companies out of business without ever having to prove that the materials they were distributing were obscene. That sounds like the kind of overreaching prosecution strategy that Senator Specter and other Republican Senators would condemn, just as they have the excesses of the “Thompson memo” pressuring investigative targets to waive their attorney-client privilege.

Those who have argued that Mr. Ogden has consistently taken positions against laws to protect children ignore Mr. Ogden’s record and his testimony. What these critics leave out of their caricature is the fact that Mr. Ogden also aggressively advocated the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 while previously serving at the Justice Department. This work has led to support and praise from the National Center for Missing and Exploited Children. He has the support of the Boys and Girls Clubs of America. In private practice he wrote a brief for the American Psychological Association in Maryland v. Craig in which he argued for protection of child victims of sexual abuse. In his personal life, he has volunteered time serving the Chesapeake Institute, a clinic for sexually abused children.

Nominees from both Republican and Democratic administrations and Senators from both sides of the aisle have cautioned against opposing nominees based on their legal representations on behalf of clients. When asked about this point in connection with his own nomination, Chief Justice Roberts testified, “it has not been my general view that I sit in judgment on clients when they come” and, “it was my view that lawyers don’t stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case.” The same rule of law standard being applied is that the rule Republican Senators urge for Republican nominees—that their clients not be held against them—is turned on its head under a Democratic President.

As recently as just over 1 year ago, every Senate Republican voted to confirm Michael Mukasey to be Attorney General of the United States. That showed no concern that one of his clients, and one of his most significant cases in private practice, was identified in the Senate Intelligence Committee questionnaire he filed, was his representation of Carlin Communications, a company that specialized in what are sometimes called “dial-a-porn” services. It is more evidence of a double standard.

Senators should reject the partisan tactics and double standards from the extreme right and support David Ogden’s nomination. The last Deputy Attorney nominee to be delayed by some double standard was Eric Holder, whose nomination to be Deputy Attorney General in 1997 was delayed for three weeks by an anonymous Republican hold after being reported favorably by the Judiciary Committee before being confirmed unanimously. Like now Attorney General Holder, Mr. Ogden is an immensely qualified nominee whose priorities will be the safety and security of the American people and reinventing the traditional work of the Justice Department in protecting the rights of Americans.

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, March 12, the Senate resume consideration of the Ogden nomination at 12 noon and that it be limited under the parameters of the order of March 10; that the vote on the confirmation of the nomination occur at 2 p.m.; further, that upon confirmation of the Ogden nomination, the Senate remain in executive session and consider Calendar No. 23, the nomination of Thomas John Perrelli to be Associate Attorney General; that debate on the nomination be limited to 90 minutes equally divided and controlled between the leaders or their designates; that upon the use or yeilding back of time, the Senate proceed to a vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order; that the President be immediately notified of the Senate’s action; and that the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. Nelson of Florida). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS ACT

Mrs. BOXER. Mr. President, during consideration of the Omnibus Appropriations Act, members of the minority party attempted to be delayed by placing amendments in an effort to delay passage of this important bill. Because further delay in passing this bill could have resulted in the shutdown of the Federal Government, I voted against all amendments to the bill.

I believe that this omnibus bill is important for job growth and will help revitalize our economy. That must be our concern at this critical time.
I would like to clarify my position of some of these amendments:

Amendment 630 would have required the Secretary of State to report on whether additional military aid to Egypt could be used to counter the illegal smuggling of weapons into Gaza. The omnibus bill already explicitly authorizes the use of military aid provided to Egypt for border security programs so the amendment was completely unnecessary.

Amendment 631 would have prohibited funds for reconstruction efforts in Gaza unless the administration certifies that the funds will not be diverted to Hamas or entities controlled by Hamas. The omnibus bill and permanent law already prohibit any funds from being provided to Hamas or entities controlled by Hamas so this amendment was also completely unnecessary.

Amendment 634 would have prevented funds in this bill from going to companies that offer Iran's energy sector. While I have long supported tough action against Iran for its illicit nuclear program, sending this provision to the House of Representatives could have endangered final passage of the bill.

Amendment 613 would have cut off all U.S. funding for the United Nations if it taxes any United States person. The U.N. has never imposed a tax, is not a taxing organization, and if the U.N. ever decided it wanted to impose a tax the U.S. would veto it. This amendment is unnecessary.

Amendment 604 would have extended the E-Verify worker identification program for an additional five years. The omnibus bill already contains a 6-month extension of this program.

Amendment 662 would prohibit the use of funds by the Federal Communications Commission to promulgate the fairness doctrine. On February 26, 2009, I voted in favor of an amendment offered by the junior Senator from South Carolina to prevent the FCC from promulgating the fairness doctrine. This amendment passed the Senate as part of S. 160, the Washington, DC voting rights bill. Also, there are no provisions in the omnibus bill related to the fairness doctrine, making this amendment unnecessary.

Amendment 604 repeals the provision of the Legislative Reorganization Act which grants Members an automatic pay raise each year. The amendment would take effect beginning December 11, 2010, and would require the enactment of new legislation to grant Members a pay raise. I believe the junior Senator from Louisiana was doing nothing more than playing politics with his amendment, as he objected to passing a stand-alone bill offered by the Senate majority leader that would have accomplished the same goal as the Vitter amendment. I would have supported passing the majority leader's bill.

Mr. DODD. Mr. President, earlier this week the Senate voted down amendment No. 668 offered by my colleague Senator Enzi by a vote of 42 to 32. I strongly opposed this amendment and am pleased that my colleagues defeated this harmful amendment.

The amendment, if passed, would have cut millions of $962,000 in Ryan White Part A funding to the city of Hartford, CT, and more than $700,000 in funding to the city of New Haven, CT, in fiscal year 2009. The Enzi amendment would have forced these cities to absorb a combined cut of more than 35 percent to their Ryan White Part A grant in 1 year.

During floor debate on the Enzi amendment, the amendment was represented as a proposal that would simply cut funding from San Francisco. That is not the case and if the Enzi amendment had become law, thousands of individuals living with HIV/AIDS in the State of Connecticut would have been denied direct medical services for the treatment of their disease.

Cuts in funding under the Enzi amendment would have deprived individuals living with HIV/AIDS in Connecticut access to medications, clinics would have to turn away patients, and programs would have to make drastic cuts to transportation, and nutrition assistance.

In fact, 13 cities in Florida, California, New York, New Jersey, Puerto Rico, and Connecticut would have seen huge funding cuts under the Enzi amendment.

For the information of my colleagues, the State of Connecticut was severely disadvantaged because of the way the last reauthorization was handled. Despite receiving assurances and seeing numbers that told a different picture, the 2006 reauthorization bill has led to more than $3 million in annual losses to Connecticut. The funding provided in the omnibus is essential to restoring these cuts.

It is my hope that we can address the problem underlying the cuts to Connecticut when we reauthorize this program which expires this year. I find it regretful that the Senate had to take up this funding fight yesterday because reauthorizations of the Ryan White CARE Act program have traditionally enjoyed bipartisan support.

I want to thank Senators HARKIN and INOUYE for including the largest increase in Part A of Ryan White in 8 years in the fiscal year 2009 omnibus bill. With the defeat of the Enzi amendment, cities under Part A will receive a total increase of more than $25 million. I thank my colleagues for defeating this harmful amendment.

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. More than 1,200, 1,200, are heartbreakingly 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 but another symptom of the larger problem—corporate irresponsibility and subsequent government bailout.

The larger problem is the corruption in Washington. Corporate business cannot run government and have the citizens of the country be the winner in anything. The only solution to the problem of drug prices (and food prices) is to kick corporate lobbies out of Washington, step up to
the plate and legislate for the people, not corporate. If this does not happen, next year’s problem will be extreme food shortages in the U.S., as is happening in much of the rest of the world. Corporate farmers are not producing as the old-fashioned family farmer did. The other part of this problem is the partisanship, or one of the other problems. Continuing along this line simply compounds the problems, and bipartisan solutions are not found. Again, the citizens of our nation. I am at a time of a growing army of Americans who are sick to death of hearing the hammering and in-fighting coming from Washington. At the rate our leaders in Washington are hammering, the taxpayers will not have anything left to tax. Government and corporate corruption will have torn the country apart for them. You all need to put your party difference aside and come up with solutions with the other party for the good of the country, or there is not going to be a country anymore.

It is not just a fuel price crisis; it is a country in crisis, from sea to shining sea. This is a concern.

I am writing in response to your recent request for input about gas prices and how it has affected our lives in Idaho. As you mentioned, distances and places in our state as well as limited public transportation options mean that many of us do not have any choice but to keep driving and paying increased prices for our car—"fuel." I could not agree more. The opportunity for good solid employment in Idaho is not something that can be found too often in the little towns across the state. This of course means that if you want a good job you will have to commute. Being a single mother, I have had no choice but to find good driving options. I have taken the commuting from west of Blackfoot to Idaho Falls to work every day. Due to the price of gas, I have recently been forced to sell my home and try to relocate in Idaho Falls. I have had to uproot my 3-year-old little boy from his daily routine and child care. I have had to move away from family and friends who helped with him therefore causing yet more costs to me in the form of more expensive daycare. It is so sad that my son will now have to go to a new school, which he will not know. While I work to support the two of us all because I could not afford to commute a mere 45 miles to work. It is sad that I am forced to be isolated from my friends and family, especially because now that I am moving to Idaho Falls I cannot afford to drive to Blackfoot to see them. Sick—it is just sickening.

SHEILA, Blackfoot.

Sir, you asked for input on energy issues. Here is mine:

First, I fully support nuclear energy. When viewed in terms of energy independence, being environmentally friendly (e.g., green house gas emission, waste), sustainability, cost and not stands out above other option. Wind, solar, ocean tides and the like may be reasonable supplemental energy sources in certain cases but they are not reliable sources. The public needs to be educated on this.

Second, the gas tax holiday concept is foolish. It is robbing Peter-to-pay-John to buy or sell oil. The price paid at the pump is due to a drop in pump prices, therefore worsening the supply/demand situation.

Third, we need to aggressively pursue gas-line pipeline (e.g., transcontinental, e.g., the pipeline like Brazil has. E85 fuel is a prudent start. Also, we are at the door step to the hydrogen economy; we need to be seriously working toward it.

Regarding a response to this inquiry, just an acknowledgement that you received it is adequate. Thanks.

CHRIS, Falls.

The people of Idaho are affected by the energy crisis. This is why we in Idaho and across our country need to learn to conserve and to develop clean and safe energy alternatives which are not only to our children’s future. I oppose the use of nuclear energy as it does pose a health risk however small. Remember Chernobyl and Three Mile Island. We are also more domestic drilling. Harming our earth more just to feed our excessive oil habit is a short term knee-jerk reaction. I strongly hope that Idaho can be a role model for other states, by really looking at the problem and creating long term solutions such as conservation, more public transportation, and investment in extensive wind and solar power energy.

SHEILA, Hailey.

You ask for people to tell you their story about what the high cost of gas and energy is doing to them. Well, here it is. We live in rural Idaho. For those that do not know what that means, it is ninety miles to a doctor or a reasonably priced grocery store. Some people are going to say, “take mass transit”; we do have a subsidized transit system (it costs over $90 for the round trip). This costs more than one way to the gas station. It is cheaper to pay $4 per gallon for gas. Some will say “buy a hybrid” that would be nice if I could afford one, $4,000, and it will not do me any good. They get great mileage in town but at highway speeds, they do not get any better mileage than what I have. My family, daily, makes the choice “do we put gas in the car or do we buy food”. I do not think anyone in government has ever had to make that choice. I am so disgusted with our government and Congress in general that, I think, for the first time in fifty years, I will sit the next election out. In long-term results, I do not see an ounce of difference in the two candidates running for President. You need look no farther than congressional approval ratings. The government (all of you) have lied to us; I do not see a future. I believe you have started believing your own lies. You take my Social Security money and spend it to buy votes. You take the items out that are needed for the inflationication. Everything you do is calculated on a political power basis. You borrow money from my grandchildren to send me a check and tell me it is good for the economy. You have us so deep in debt that what money we have is not worth anything. I do not expect my Social Security check to feed me the rest of my life. I guess I have ranted enough. You ask for it; there it is. I do not expect it to do any good. You will not do what the people want, I do not believe you care. I will not vote you out of office, the most powerful with it is good for the country or not. Drill here—drill now! JENNIFER, Aberdeen.

Like everyone, I have been very concerned about the rising cost in fuel, and everything else. I am trying to raise a family with my husband, and we definitely feel the pinch. Even as the price of filling our cars has increased dramatically, so has the cost of feeding our family. It is costing my family almost $10 per day, in a fuel-efficient sedan, just to go to work. We also have my husband’s brother’s family living here to get by on a part-time job. It is expensive to keep our car running our household and everything in it is a concern.

JENNIFER, Nampa.

You are trying to fight the public mind on what should be done about the energy crisis and I really appreciate that. Thank you, but I am not sure that the billions we are paying to pay for school. The gas prices have not helped me at all. It is great that we are trying to get more fuel efficient cars but, I would like to see cars that do not need fuel at all. (hydrogen fuel cell) The batteries for electric cars have harmful chemicals in them and are going to be expensive to replace and hard to dispose of. If we can push hydrogen we will eliminate a lot of our dependency on oil altogether, not only to individuals but to a country as a whole. It is so sad that my son will now have to go to a new school, which he will not know. While I work to support the two of us all because I could not afford to commute a mere 45 miles to work. It is sad that I am forced to be isolated from my friends and family, especially because now that I am moving to Idaho Falls I cannot afford to drive to Blackfoot to see them. Sick—it is just sickening.

SHEILA, Blackfoot.

Rising fuel costs are a big concern for us here in Idaho where a large percent of the working public have to drive 30 miles or more to work each day. And even with fuel efficient cars it still takes a large chunk of the paycheck. Please don’t cut back with the carpool with three other coworkers to help the situation. Even with the carpool, it still costs me...
High energy prices are affecting my ability to provide resources for living for my family. I am a disabled veteran and on a fixed income, which prevents me from offsetting the costs of oil. We have had to make significant changes in the way we buy food, travel to the store and how much gas we use for cooking and heating, often times being stuck with a $500 gas bill for a few gallons. The American people are smart. They know that Congress is spending the real issue. That issue being, that they are no longer looking out for the best interests of the American people.

Though I am grateful that you and others in Idaho are finally trying to change things, this should have never been a problem in the first place. We have one of the world’s largest resources of coal. We have very significant amount of oil on the coasts and within the continental United States. Still, you all bend to the wishes of eco-terrorists like Al Gore and the EPA.

Drill now! Here! Kick China and other countries out for the best interests of the American people.

Come on, Senator Crapo—please vote, sponsor, support a government “of, by, and for the people.”

We still pay less than European countries. What I think is a total same is the fact that the Treasure Valley still does not have a decent bus system. When I was in Olympia (population of 20,000) during the 1960s that had a better bus system that included other cities than we have now. Think of the energy savings possible if the bus system was easy and accessible for all of the residents.

ADDITIONAL STATEMENTS

TRIBUTE TO EMMA JEAN GUYN MILLER

Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to memorialize one of Kentucky’s most cherished citizens, Mrs. Emma Jean Guyn Miller. Unfortunately, Mrs. Miller passed away at the age of 107. However, her life story should serve as an inspiration for people in central Kentucky and around the entire United States.

Mrs. Miller was born in Woodford County on September 29, 1901, and moved with her family to Nicholasville in 1902. Since she was young Mrs. Miller knew that she wanted to gain an education and better her community. However, since Kentucky schools were still segregated during this time period, Mrs. Miller could only attend the Nicholasville Colored School, that only served students through the eighth grade. This situation did not stop Mrs. Miller. Her mother, making only $4.50 a week, and her local church saved enough money to send Mrs. Miller to Russell High School in Lexington where she graduated in 1920.

After graduation from high school she attended Turner Normal School in Shelbyville, TN, and earned her teaching certificate. She then returned to Nicholasville and began a teaching career that lasted over 40 years. Mrs. Miller began her career teaching in a one room schoolhouse and did not retire until segregated schools were ended in Nicholasville. Her students remembered Mrs. Miller as a kind but strict teacher who always had their best interest at heart.

In 1924, she married William Miller, and although they did not have any children, the Millers opened their home to numerous young people in the community who needed a place to stay. She also continued to be active in Bethel AME Church, now Bethel Methodist Church, and was a member for over 80 years. This church was the same congregation that helped pay for her education at Russell High School.

Mrs. Miller’s life story should serve as an inspiration to every American. Her unique life would give us hope that we can make a difference in our local communities and change the world one person at a time.

Mr. BUNNING. Mr. President, today I want to recognize the leadership, friendship, and championing of the University of Kentucky’s DanceBlue student organization and 24-hour dance marathon. This organization operates through the support and leadership of UK students, faculty, and staff as well as the Lexington community. The organization improves the lives of children and families suffering from childhood cancer through the Golden Matrix Fund, and helps serve the Bluegrass by assisting those treated at the University of Kentucky Pediatric Oncology Clinic. In just 4 years of operation, the DanceBlue organization has raised over $1 million towards research in childhood cancer. I would like to take this time to recognize the student leadership behind DanceBlue: Erin Priddy, Caitlin Mullen, Betsy Cooper, Joshua Rupp, Carson Massler, Townsend Miller, Colin Wheeler, and Tyler Bolin.

Erin Priddy is a senior from Louisville, KY, and is the DanceBlue overall chair for this year. She is the fourth leader of the student organization operations. Erin has spent many of her days and nights planning this year-long fundraising process which builds up the actual dance marathon, as well as being a full time student. The success of this organization would not be possible without the dedication and hard work of Erin.

Caitlin Mullen is the vice chair for the DanceBlue organization and is also in her senior year at the University of Kentucky. Caitlin’s hard work this entire year on the budget for the organization, as well as maintaining the organization’s committees and keeping them together are a value to the entire university.

Betsy Cooper is a senior from Paducah, KY, and is the danceathon programming chair. Betsy’s role with DanceBlue involves planning, organizing, and orchestrating the entire 24-hour period of the Dance Marathon consists including overseeing 650 student dancers that will dance for 24-hours.

Joshua Rupp is a senior from Louisville, KY, and is involved with many organizations on campus. His role with DanceBlue is the rules, regulations and operations chair. He is in charge of the logistics for the dance marathon which took place this past weekend. Josh’s influence and presence on the University of Kentucky is a benefit to the school and the community.

Carson Massler is a senior from Louisville, KY, and graduated from Sacred Heart Academy. His role with DanceBlue is the family relations chair. His position is vital to the organization since she serves as a liaison between the UK Pediatric Oncology Clinic and Golden Matrix Fund families. This position has allowed him to network with the families and she has created serve as a sign of hope that this organization will continue to flourish for many more years.
Townsend Miller is a senior from Lexington, KY, and is the corporate relations chair. Townsend’s role with DanceBlue this year involves maintaining relationships with corporate sponsors of DanceBlue, and he is the representative of DanceBlue to local and national businesses.

Colin Wheeler is from Bowling Green, KY, and serves as the marketing chair for DanceBlue. Colin’s work on public relations, press releases, press kits and promotional materials is one of the main reasons why the organization is able to hold a 24-hour dance marathon such as a big success.

Tyler Bolin is a senior from Owensboro, KY, and serves as the special events chair. Tyler has worked hard throughout the entire year planning events that help build up to the dance marathon. His hard work and motivation are truly an inspiration to all who meet him.

I am grateful that these students serve the people of the Commonwealth. I am confident that the children, families, and students whose lives they touch are all thankful for the opportunity to know them. The money that is raised through DanceBlue helps patients recover quicker while improving the lives of children and their families suffering from childhood cancer. The funds are also going directly to pediatric cancer research initiatives that are helping to find a cure.

Mr. President, I would like to thank these individuals for their contributions to the Commonwealth of Kentucky, the University of Kentucky, and the Lexington community. I wish them well in all their future endeavors.

HONORING NEW ENGLAND CASTINGS, LLC

Ms. SNOWE, Mr. President, the manufacturing sector of our Nation’s economy is under considerable hardships that are only amplified by the global economic downturn. In fact, Maine’s manufacturing industry has shed an alarming 23,000 jobs in the past 10 years, which represents nearly 30 percent of the State’s manufacturing employment. Despite these challenges, some manufacturers, like New England Castings, the company I rise today to recognize, have been able to adapt, expand, and succeed.

Founded in 1985, New England Castings is an investment casting foundry located in the western Maine town of Hiram. Considered the most ancient form of metal casting, investment casting allows the firm to specialize in producing specific castings that many conventional shops often find too difficult or intricate to fill. New England Castings prides itself on the timely creation of prototypes for customers to review, allowing it to produce customers’ orders in a shorter timeframe. The firm was determined to transform the way it operated, and I am certain that the company will continue to benefit for years to come from the training and advice it has received. I congratulate Walter Butler and everyone at New England Castings for their dedication to creating quality products, and extend my best wishes for a productive and successful year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of its reading clerks.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED ON MARCH 15, 1995, WITH RESPECT TO IRAN—PM 12

The President 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 that is not renewed by the President. On 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 Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2009.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing 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 Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA


MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes. (The nominations received today are printed at the end of the Senate proceedings.)

At 2:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the
following bills, in which it requests the concurrence of the Senate:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

H.R. 837. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

H.R. 887. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse."; to the Committee on Environment and Public Works.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:


The message further announced that pursuant to 4 U.S.C. 2702, the Clerk of the House reappoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Bernard Forrester of Houston, Texas.

The following bills were read the first time:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 837. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 887. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse."; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:


MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–942. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-hydroxyethyl ester, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypropoxy (oxy-1,2-ethanediyl) and 2,5-furandion, sodium salt; Tolerance Exemption" (FRL–8396–7) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–943. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-hydroxyethyl ester, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypropoxy (oxy-1,2-ethanediyl); Tolerance Exemption" (FRL–8396–7) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–944. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypropoxy (oxy-1,2-ethanediyl), sodium salt; Tolerance Exemption" (FRL–8397–1) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–945. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypropoxy (oxy-1,2-ethanediyl), sodium salt; Tolerance Exemption" (FRL–8396–9) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred to or ordered to lie on the table as indicated:

POM–10. A resolution adopted by the Senate of the Commonwealth of Kentucky urging the 111th United States Congress to strengthen the federal menu regulation and labeling (Meal) Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 76

 Whereas, research continues to reveal the strong link between diet and health, and that diet-related diseases start early in life; and
 Whereas, increased caloric intake is a key factor contributing to the alarming increase in obesity in the United States. According to the Centers for Disease Control and Prevention, two-thirds of American adults are overweight or obese, and the rates of obesity have tripled in children and teens since 1980. Obesity increases the risk of diabetes, heart disease, cancer, stroke, and other health problems. Each year obesity costs families, businesses, and governments $117 billion; and
 Whereas, over the past two decades, there has been a significant increase in the number of meals prepared and consumed outside of the home, with an estimated one-third of calories and almost 46 percent of total food and beverage spending on meals prepared and consumed at restaurants and other food-service establishments; and
Whereas, studies like eating out with obesity and higher caloric intake. Foods that people eat from restaurants and other food-service establishments are generally higher in calories and saturated fat and lower in nutrients, such as calcium and fiber, than home-prepared foods; and
Whereas, while nutrition labeling is currently required on most packaged foods, this information is required only for restaurant foods for which nutrient content or health claims are made; and
Whereas, three-quarters of American adults report using food labels on packaged foods, which are required by the Nutrition Labeling and Education Act and went into effect in 1994. Using food labels is associated with eating healthier diets, and approximately 48 percent of people report that the nutrition information on food labels has caused them to change their minds about buying a food product. Research shows that people make healthier choices when restaurants provide point-of-purchase nutrition information; and
Whereas, it is difficult for consumers to limit their intake of calories at restaurants, given the limited availability of nutrition information, as well as the popular practice by many restaurants of providing foods in larger-than-standard servings and ‘super-sized’ portions; and
Whereas, the enacting of a federal Meal Act would provide all Americans valuable additional information that will best equip individuals and allow them to make healthy choices when they are consuming prepared foods outside of the home: Now, therefore, be it
Resolved by the Senate of the Commonwealth of Kentucky: Section 1. The Senate of the Commonwealth of Kentucky hereby urges the 111th United States Congress to enact a federal Menu Education and Labeling (Meal) Act.
Section 2. A copy of this Resolution shall forward a copy of this Resolution to the Clerk of the United States Senate and the Clerk of the United States House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:
By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:
By Mr. CRAPO (for himself, Mr. KYL, Mr. CORKER, Mr. SHELDY, Mr. GREGG, Mr. ENZI, Mr. ISAKSON, Mr. ALDEREN, Mr. BROWNE, Mr. SPECTER, Mr. VITTER, Mr. INHOFE, Mr. CORNYN, Mr. CHAMBLISS, Mr. RISCH, Mr. BUNNING, Mr. JOHNSON, Mr. MARTIN, and Mr. ROBERTS):
S. 567. A bill to repeal the sunset clause on the transition rules for the implementation of the Foreign Account Tax Compliance Act (FATCA) (Mr. BARRASSO), the Senator from Wyoming (Mr. RISCH) and the Senator from Idaho (Mr. RISCH) and the Senator from Arizona (Mr. BARR), the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 437, a bill establishing a ‘forever stamp’ to honor the sacrifices of military veterans.
By Mr. MENENDEZ (for himself, Mr. WADE, Mr. KERRY, Mr. CASBY, and Mr. Dodd):
S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; read the first time.
S. 571. A bill to strengthen the Nation’s research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. WEBB (for himself, Mr. BROWN, Mr. VITTER, Mr. WICKER, Mrs. BOXER, Mr. NICHOLSON of Nebraska, and Mrs. LINCOLN):
S. 572. A bill to provide for the issuance of a ‘forever stamp’ to honor the sacrifices of Armed Forces who have been awarded the Purple Heart; to the Committee on Homeland Security and Governmental Affairs.
By Mr. TESTER:
S. 573. A bill to improve the efficiency of customs and other services at the Wild Horse, Montana port of entry; to the Committee on Finance.
S. 574. A bill to enhance citizen access to Government information and services by establishing that Government documents issued to United States citizens must be available electronically, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.
By Mr. CARPER (for himself and Mr. SPECTER):
S. 575. A bill to amend title 49, United States Code, to require group and individual health plans to provide coverage for individuals participating in approved cancer clinical trials.

ADDITIONAL COSPONSORS

S. 69
At the request of Mr. INOUYE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 69, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances relating to the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.
S. 211
At the request of Mrs. MURRAY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BURKHARDT), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and other direct services, and for other purposes.
S. 388
At the request of Mr. CORNYN, his name was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning veterans from the federal civil service retirement age for temporary workers.
S. 416
At the request of Mrs. FEINSTEIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.
S. 428
At the request of Mr. AKAKA, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 428, a bill to amend title 38, United States Code, to authorize and appropriate funding for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.
S. 488
At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 488, a bill to allow travel between the United States and Cuba.
S. 503
At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a co-sponsor of S. 503, a bill to allow the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.
S. 525
At the request of Mrs. MURKOWSKI, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. BROWNE, Mr. MCITTI and Mr. ROBERT) were added as cosponsors of S. 525, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.
S. 527
At the request of Mr. THUNE, the name of the Senator from Missouri...
At the request of Mr. Nelson of Florida, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal the钊or’s dependency and indemnity compensation, and for other purposes.

At the request of Mr. Reid, the names of the Senator from New Hampshire (Mr. Gregg) and the Senator from Texas (Mrs. Hutchison) were added as cosponsors of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

At the request of Mr. Dodd, the names of the Senator from New Hampshire (Mrs. Murray) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retire pay by reason of their years of military service of Combat-Related Special Compensation.

At the request of Mrs. Shaheen, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Florida (Mr. Martinez) was added as co-sponsors of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

At the request of Mr. Durbin, the name of the Senator from Florida (Mr. Martinez) was added as a cosponsor of S. Res. 70, a resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

Statements on Introduced Bills and Joint Resolutions

By Mr. Levin (for himself, Mr. Grassley, and Mrs. McCaskill)

S. 569. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. Levin. Mr. President, I am introducing today, with my colleagues Senator Grassley and Senator McCaskill, the Incorporation Transparency and Law Enforcement Assistance Act. This bill tackles a longstanding homeland security problem involving inadequate State incorporation practices that leave this country unnecessarily vulnerable to wrongdoers, hinders law enforcement, and damages the international stature of the United States.

The problem is straightforward. Each year, our States allow persons to form nearly 2 million corporations and limited liability companies in this country without knowing, or even asking, who the beneficial owners are behind those corporations. Right now, a person forming a U.S. corporation or limited liability company, LLC, provides less information than is required to open a bank account or obtain a driver’s license. Instead, States routinely permit persons to form corporations and LLCs under State laws without disclosing the names of any of the people who will control or benefit from them.

It is a fact that criminals are exploiting this weakness in our State incorporation practices. They are forming new U.S. corporations and LLCs, and using these entities to commit crimes ranging from drug trafficking, money laundering, tax evasion, financial fraud, and corruption.

Law enforcement authorities investigating these crimes have complained loudly for years about the lack of beneficial ownership information. Last year, for example, the U.S. Department of the Treasury sent a letter to the States stating: “the lack of transparency with respect to the individuals who control privately held for-profit legal entities in the United States continues to represent a substantial vulnerability in the U.S. anti-money laundering/counter terrorist financing (AML/CTF) regime. . . . [T]he use of U.S. companies to mask the identity of criminals presents an ongoing and substantial problem . . . for U.S. and global law enforcement authorities.”

Michael Chertoff, former Secretary of the U.S. Department of Homeland Security, wrote the following:

In countless investigations, where the criminal targets utilize shell corporations, the lack of law enforcement’s ability to gain access to true beneficial ownership information stymies the efforts by investigators to follow criminal proceeds. This is the case in financial fraud, terrorist financing and money laundering investigations. It is the case in the United States that beneficial ownership information is elusive and fragmented. States maintain beneficial ownership information while the company is active and to have a set time frame for preserving those records. . . . Shell companies can provide a front for several beneficial owners in the course of a year or less. . . . By maintaining records not only of the initial beneficial ownership but of the subsequent beneficial owners, States will provide law enforcement the tools necessary to clearly identify the individuals who utilize the company at any given period of time.

These types of complaints by U.S. law enforcement, their pleas for assistance, and their warnings about the dangers of anonymous U.S. corporations operating here and abroad are catalogued in a stack of reports and hearing testimony from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and others.

To add insult to injury, our law enforcement officials have too often had to stand silent when asked by their counterparts in other countries for information about who owns a U.S. corporation committing crimes in their jurisdictions. The reality is that the United States can’t answer those requests, because we don’t have the information.

Our bill would cure the problem by requiring State incorporation forms to include a request for the names of a corporation’s beneficial owners. States would not be required to verify the information, but civil or criminal penalties would apply to persons who submitted false information. If law enforcement issued a subpoena or summons to obtain the ownership information, States would then supply the data contained on its forms.

This bill has received the support of numerous law enforcement associations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant United States Attorneys, the National Narcotic Officers’ Association, the United States Marshals Service Association, and the Association of Former ATF Agents.

The Federal Law Enforcement Officers Association, FLEOA, for example, which represents more than 20,000 Federal law enforcement officers, stated that “the unfortunate lax attitude demonstrated by certain states has enabled large criminal enterprises to exploit those state’s flawed filing systems.” FLEOA goes on to say...

We regard corporate ownership in the same manner as we do vehicle ownership. Requiring the driver of a vehicle to have a registration and insurance card is not a violation of their privacy. This information does not need to be published in a Yellow Pages, but it should be available to law enforcement officers who make legally authorized requests pursuant to official investigations.

The National Association of Assistant United States Attorneys, NAAUSA, which represents more than 1,500 Federal prosecutors, urges Congress to take legislative action to remedy inadequate State incorporation practices.

Mr. President, I state...

Mindful of the ease with which criminals establish ‘front organizations’ to assist in money laundering, terrorist financing, tax
evasion and other misconduct, it is shocking and unacceptable that many State laws permit the creation of corporations without asking for the identity of the corporation’s beneficial owners. Your legislation will guard against that from happening, and no longer permit criminals to exploit the lack of transparency in the registration of corporations.

Our bill was also endorsed by President Obama during the last Congress when he was a member of the U.S. Senate and served as an original cosponsor of the predecessor bill, S. 2956. In following international anti-money laundering body in the world, the Financial Action Task Force on Money Laundering—known as FATF—issued a report criticizing the United States for its failure to comply with a FATF standard requiring countries to obtain beneficial ownership information for the corporations formed under their laws. This standard is one of 40 FATF standards that this country has publicly committed itself to implement, and its efforts to promote strong anti-money laundering laws around the world.

FATF gave the United States 2 years, until July 2008, to make progress toward coming into compliance with the FATF standard requiring the States to obtain beneficial ownership information. That deadline passed long ago, and we have yet to make any real progress. Enacting the bill we are introducing today would bring the United States into compliance with the FATF standard requiring the States to obtain beneficial ownership information for the corporations formed under their laws. It would ensure that the United States met its international commitment to comply with FATF anti-money laundering standards.

The bill being introduced today is also the product of years of work by the U.S. Senate Permanent Subcommittee on Investigations, which I chair. As long ago as 2000, the Government Accountability Office, GAO, at my request, conducted an investigation and released a report entitled, “Suspicous Banking Activities: Possible Money Laundering by U.S. Corporations Formed for Russian Entities.”

This report revealed that one person was able to set up more than 2,000 Delaware shell corporations and, without disclosing the identity of the beneficial owners, open U.S. bank accounts for those corporations, which then collectively held about $1.4 billion in money laundered through the accounts. It is one of the earliest government reports to give some sense of the law enforcement problems caused by U.S. corporations with unknown owners. It sounded the alarm years ago but to little avail.

In April 2006, by request of a Subcommittee request, GAO released a second report entitled, “Company Formations: Minimal Ownership Information Is Collected and Available,” which reviewed corporate formation laws in all 50 States. GAO disclosed that the vast majority of the States do not collect any information at all on the beneficial owners of the corporations and LLCs formed under their laws. The report also found that many States have established automated procedures that allow a person to form a new corporation or LLC within the State within 24 hours of filing an online application without any prior review of that application. In exchange for a substantial fee, at least two States will form a corporation or LLC within one hour of a request. After examining these State incorporation practices, the GAO report described the problem of getting beneficial ownership information has caused for a range of law enforcement investigations.

In November 2006, our subcommittee held a hearing further exploring this issue. At that hearing, representatives of the U.S. Department of Justice, DOJ, the Internal Revenue Service, IRS, and the Department of Treasury’s Financial Crimes Enforcement Network, FinCEN, testified that the failure to require information on the beneficial owners of the legal entities they form has impeded Federal efforts to investigate and prosecute criminal acts such as terrorism, money laundering, securities fraud, and tax evasion. At the hearing, DOJ testified:

We had allegations of corrupt foreign officials using these [U.S.] shell accounts to launder money, but were unable—due to lack of identifying information in the corporate records—to fully investigate this area.

The IRS testified:

Within our own borders, the laws of some states regarding the formation of legal entities have significant transparency gaps that this country is eager to explain how quick and easy it is to set up corporations within those borders, with those same quick and easy procedures enable wrongdoers to utilize U.S. corporations in a variety of crimes and tax dodges both here and abroad.

Since 2006, the subcommittee has worked with the Senate and encourage them to recognize the homeland security problem they have created and to come up with their own solution. After the subcommittee’s hearing on this issue, for example, the National Association of Secretaries of State, NASS, convened a 2007 task force to examine state incorporation practices. At the request of NASS and several States, I delayed introducing legislation while they worked on a proposal to require the collection of beneficial ownership information. My subcommittee staff participated in multiple conferences, telephone calls, and meetings; suggested key principles; and provided comments to the task force.

July 2, 2007, the NASS task force issued a proposal. Rather than cure the problem, however, the proposal was full of deficiencies, leading the Treasury Department to state in a letter that the NASS proposal “falls short” and “does not fully address the problem of legal entities masking the identity of criminals.”

Among other shortcomings, the NASS proposal does not require States to identify the names of the natural individuals who would be the beneficial owners of a U.S. corporation or LLC. Instead, it would allow States to obtain a list of a company’s “owners of record” who can be, and often are, offshore corporations. The NASS proposal also doesn’t require the States themselves to maintain the beneficial ownership information, or to supply it to law enforcement upon receipt of a subpoena or summons. The proposal also fails to require the beneficial ownership information to be updated over time. These and other flaws in the proposal have been identified by the
Treasury Department, the Department of Justice, me, and others, but NASS has given no indication that the flaws will be corrected.

It is deeply disappointing that the States, despite the passage of more than 1 year, were unable to devise an effective proposal. Part of the difficulty is that the States have a wide range of practices, differ on the extent to which they rely on incorporation fees as a major source of revenue, and differ on their ability to monitor whether they attract non-U.S. persons as incorporators. In addition, the States are competing against each other to attract persons who want to set up U.S. corporations, and that competition creates pressure for each individual State to favor procedures that allow quick and easy incorporations. It is a classic case of competition causing a race to the bottom, making it difficult for any one State to do the right thing and request the names of beneficial owners.

The bill we are introducing Federal legislation today. Federal legislation is needed to level the playing field among the States, set minimum standards for obtaining beneficial ownership information, put an end to the practice of States waiving or relying on beneficial ownership information collected by the States each year without knowing who is behind them, and bring the United States into compliance with its international commitments.

The bill would require the States to obtain a list of the beneficial owners of each corporation or LLC formed under their laws, to maintain this information for 5 years after the corporation is terminated, and to provide the information to law enforcement upon receipt of a subpoena or summons. If enacted, this bill would ensure, for the first time, that law enforcement seeking beneficial ownership information from a State about one of its corporations or LLCs would not be turned away empty-handed.

The bill would also require corporations and LLCs to update their beneficial ownership information in an annual filing with the State of incorporation. If a State did not require an annual filing, the information would have to be updated each time the beneficial ownership changed.

In the special case of U.S. corporations formed by non-U.S. persons, the bill would go further. Following the lead of the Patriot Act which imposed additional due diligence requirements on certain financial accounts opened by non-U.S. persons, our bill would require additional due diligence for corporations beneficially owned by non-U.S. persons. This added due diligence would have to be performed—not by the States—but by the persons seeking to establish the corporations. These incorporators would have to file with the State a written certification from a corporation formation agent residing within the State certifying to the attorney general that the agent had verified the identity of the non-U.S. beneficial owners of the corporation by obtaining their names, addresses, and passport photographs. The formation agent would be required to retain this information for a specified period of time and produce it upon request.

The bill would also require the States to verify the ownership information provided to them by a formation agent, corporation, LLC, or other person filing an incorporation application. Instead, the bill would establish Federal civil and criminal penalties for anyone who knowingly provided a State with false beneficial ownership information or intentionally failed to provide the State with the information requested. The bill would also exempt certain corporations from the disclosure obligation. For example, it would exempt all publicly traded corporations and the entities they form, since these corporations are already overseen by the Security and Exchange Commission. It would also allow the States, with the written concurrence of the Homeland Security Secretary and the U.S. Attorney General, to identify certain corporations, either individually or as a class, which would not have to list their beneficial owners, if requiring such ownership information would not serve the interests of the States in maintaining law enforcement in their investigations. These exemptions are expected to be narrowly drawn and used sparingly, but are intended to provide the States and law enforcement added flexibility to focus the disclosure obligation and focus it where it is most needed to stop crime, tax evasion, and other wrongdoing.

Another area of flexibility in the bill involves privacy issues. The bill deliberately does not take a position on the issue of whether the States should make the beneficial ownership information they receive available to the public. Instead, the bill leaves it entirely up to the States to decide whether an individual or a corporation is sufficiently connected to make beneficial ownership information available to the public. The bill explicitly permits the States to place restrictions on providing beneficial ownership information to persons other than government officials. The bill focuses instead on ensuring that law enforcement and Congress, provided they are equipped with a subpoena or summons, are given ready access to the beneficial ownership information collected by the States.

To ensure that the States have the funds needed to meet the new beneficial ownership information requirements, the bill makes it clear that States can use their DHS state grant funds for this purpose. Every State is guaranteed a minimum amount of DHS grant funds every year and may receive funds substantially above that minimum. Every State will be able to use all or a portion of these funds to modify their incorporation practices to meet the new standards. The bill also authorizes DHS to use appropriated funds to carry out its responsibilities under the act. These provisions will ensure that the States have the funds needed for the modest compliance costs involved with amending their incorporation forms to request the names of beneficial owners.

It is common for bills establishing Federal standards to seek to ensure States action by making some Federal funding dependent upon a State’s meeting the specified standards. This bill, however, states explicitly that nothing in the bill authorizes the Federal Government to withhold funds from a State for failing to modify its incorporation practices to meet the beneficial ownership information requirements in the act. Instead, the bill simply calls for a GAO report in 2013 to identify which States, if any, have failed to strengthen their incorporation practices as required by the act. After getting this status report, a future Congress can decide what steps to take, including whether to reduce any Federal funding dependent upon a State’s meeting the specified standards.

Finally, the bill would require the U.S. Department of the Treasury to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or LLCs for criminals or other wrongdoers. GAO would also be asked to conduct a study of existing State formation procedures for partnerships and trusts.

We have worked hard to craft a bill that would address, in a fair and reasonable way, the homeland security problem created by States allowing the formation of millions of legal entities, including U.S. corporations and LLCs with unknown owners. What the bill comes down to is a simple requirement that States change their incorporation applications to add a question requesting the names and addresses of the prospective beneficial owners. That is not too much to ask to protect this country and the international community from wrongdoers seeking to misuse U.S. corporations and to help law enforcement stop those wrongdoers.

For those who say that, if the United States tightens its incorporation rules, new companies will be formed elsewhere, it is appropriate to ask exactly where they will go. Every company in the European Union is already required to get beneficial information for the corporations formed under their laws. Most offshore jurisdictions already request this information as well, including the Bahamas, Cayman Islands, Jersey, and the Isle of Man. Our States should be asking for the same ownership information, but they don’t, and there is no indication that they will any time in the near future, unless required to do so.

I wish Federal legislation weren’t necessary. I wish the States could solve this homeland security problem on their own, but ongoing competitive pressures make it unlikely that the States will reach agreement. It has been more than 2 years since our 2006 hearing with no real progress to show for it, despite repeated pleas from law enforcement.
Federal legislation is necessary to reduce the vulnerability of the United States to wrongdoing by U.S. corporations with unknown owners, to protect interstate and international commerce from criminals misusing U.S. corporations, to strengthen the ability of law enforcement to investigate suspect U.S. corporations, to level the playing field among the States, and to bring the United States into compliance with its international anti-money laundering obligations.

There is also an issue of consistency. For years, I have been fighting offshore corporate secrecy laws and practices that enable wrongdoers to secretly control offshore corporations involved in money laundering, tax evasion, and other misconduct. I have pointed out more than one occasion that corporations were not created to hide ownership, but to shield owners from personal liability for corporate acts. Unfortunately, today, the corporate form has often been corrupted into serving those wishing to conceal their identities and commit crimes or dodge taxes without alerting authorities. It is past time to stop this misuse of the corporate form. But if we want to stop inappropriate corporate secrecy offshore, we need to stop it here at home as well.

For these reasons, I urge my colleagues to support this legislation and put an end to incorporation practices that promote corporate secrecy and render the United States and other countries vulnerable to abuse by U.S. corporations with unknown owners.

As I mentioned earlier, in the 110th Congress, then-Senator Obama was an original cosponsor of this legislation. I look forward to working with President Obama to ensure this homeland security bill is enacted into law.

I thank my cosponsor, Senator Grassley, who has been such a leader in this effort for so long, as he has in so many other government initiatives. I also thank Senator McCaskill for her cosponsorship.

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

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

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Incorporation Transparency and Law Enforcement Assistance Act”.

SEC. 2. FINDINGS. Congress finds the following:

(1) Nearly 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year.

(2) Many States have obtained meaningful information about the beneficial owners of the corporations and limited liability companies formed under their laws.

(3) It is appropriate to require a corporation or limited liability company within the United States typically provides less information to the State of Incorporation than is needed to obtain a bank account or driver’s license and typically does not name a single beneficial owner.

(4) Criminals have exploited the weaknesses in State formation procedures to conceal their identities when forming corporations or limited liability companies in the United States. They then use the newly created entities to commit crimes affecting interstate and international commerce such as terrorism, drug trafficking, money laundering, tax evasion, tax evasion, fraud, financial fraud, and acts of foreign corruption.

(5) Law enforcement efforts to investigate corporations and limited liability companies suspected of crimes have been impeded by the lack of available beneficial ownership information, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and the Government Accountability Office, and others.

(6) In July 2006, a leading international anti-money laundering organization, the Financial Action Task Force on Money Laundering (or the section refers to the “FATF”), of which the United States is a member, issued a report that criticizes the United States for failing to comply with a FATF standard. Excerpt: “collect beneficial ownership information and urged the United States to correct this deficiency by July 2008.”

(7) In response to the FATF report, the United States has repeatedly urged the States to strengthen their incorporation practices by obtaining and sharing ownership information for the corporations and limited liability companies formed under the laws of such States.

(8) Many States have established automated procedures that allow a person to form a new corporation or limited liability company within the State within 24 hours of filing an online application, without any prior review of the application by a State official. In exchange for a substantial fee, 2 States will form a corporation within 1 hour of a request.

(9) Dozens of Internet websites highlight the anonymity of beneficial owners allowed under the incorporation practices of some States. It is noteworthy that any corporation can incorporate in those States, and list those States together with offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation to criminals and other wrongdoers to form entities within the United States.

(10) In contrast to practices in the United States, all countries in the European Union are required to identify the beneficial owners of the corporations they form.

(11) To reduce the vulnerability of the United States to wrongdoing by United States corporations and limited liability companies with unknown owners, to protect United States entities from terrorism, organized crime, and criminal misusing United States corporations and limited liability companies, to strengthen law enforcement investigations into such corporations and limited liability companies, to set minimum standards for and level the playing field among State Incorporation practices, and to bring the United States into compliance with international anti-money laundering obligations, Federal legislation is needed to require the States to obtain beneficial ownership information from limited liability companies formed under the laws of such States.

SEC. 3. TRANSPARENT INCORPORATION PRACTICES.

(a) TRANSPARENT INCORPORATION PRACTICES.

(1) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

“SEC. 2009. TRANSPARENT INCORPORATION PRACTICES.

“(a) INCORPORATION SYSTEMS.—

“(1) IN GENERAL.—To protect the security of the United States, each State that receives funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2012, use an incorporation system that meets the following requirements:

“(A) Each applicant to form a corporation or limited liability company under the laws of the State during the formation process a list of the beneficial owners of the corporation or limited liability company that—

“(i) identifies each beneficial owner by name and current address; and

“(ii) if any beneficial owner exercises control over the corporation or limited liability company, provide the information described in paragraph (A)(i).

“(B) Each corporation or limited liability company formed under the laws of the State is required by the State to update the list of the beneficial owners of the corporation or limited liability company by providing the information described in paragraph (A)(i) each year.

“(C) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State is required to be maintained by the State until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

“(D) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State shall be provided by the State upon receipt of—

“(i) a civil or criminal subpoena or summons from a State attorney general, another State agency, or congressional committee or subcommittee requesting such information; or

“(ii) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or section 1782 of title 28, United States Code.

“(B) UNITED STATES BENEFICIAL OWNERS.—To further protect the security of the United States, each State that accepts funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2012, require that, if any beneficial owner of a corporation or limited liability company formed under the laws of the State is not a United States citizen or a lawful permanent resident of the United States, each application described in paragraph (1)(A) and each update described in paragraph (1)(B) includes a written certification by a formation agent residing in the State that the formation agent—

“(A) has verified the name, address, and identity of each beneficial owner who will use that entity to conduct business on behalf of the corporation or limited liability company; and

“(B) is a U.S. citizen or a lawful permanent resident of the United States;
“(B) has obtained for each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States a copy of the page of the government-issued passport or other official government-issued photograph of the beneficial owner appears; 

“(C) will provide proof of the verification described in subparagraph (A) and the photograph described in subparagraph (B) upon request; and 

“(D) will retain information and documents relating to the verification described in subparagraph (A) and the photograph described in subparagraph (B) until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates, under the laws of the State.

“(b) Penalties for False Beneficial Ownership Information.—In addition to any civil or criminal penalty that may be imposed by a State, any person who affects interstate or foreign commerce by knowingly providing, or attempting to provide, false or misleading beneficial ownership information to a State, by intentionally failing to provide beneficial ownership information to a State upon request from the State, or by failure to comply with a subpoena or summons, shall be liable to the United States under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l(d)), or any corporation or limited liability company formed under the laws of the State, by conviction, fine, or imprisonment, for not more than $10,000 per violation.

“(2) the Administrator may use funds appropriated to carry out this title, including funds described in subsection (b) until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates, under the laws of the State.

“(3) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.

“(4) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), shall be as follows:

“Sec. 2009. Transparent incorporation practices. —

“(d) EFFECT ON STATE LAW.—

“(1) PROPOSED RULE.—Not later than 90 days after a rule described in this subsection in final form in the Federal Register, the Secretary of the Treasury shall publish the rule described in this subsection in final form in the Federal Register.

“(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act if such statute, regulation, order, or interpretation is not inconsistent with the Act or an amendment made by this Act.

“(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

“(B) imposes additional limits on public access to the beneficial ownership information obtained by the State that is inconsistent with the Act or an amendment made by this Act.

“(e) Definitions.—In this section:

“(1) Beneficial Owner.—The term ‘beneficial owner’ means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables such individual to control, manage, or direct the corporation or limited liability company.

“(2) Corporation; Limited Liability Company.—The terms ‘corporation’ and ‘limited liability company’—

“(B) do not include any business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) or that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o-5(d)), or any corporation or limited liability company formed by such a corporation or limited liability company.

“(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

“(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General, determines in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from such business concern or class would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

“(3) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.

“(4) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), shall be as follows:

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“(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act if such statute, regulation, order, or interpretation is not inconsistent with the Act or an amendment made by this Act.

“(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

“(B) imposes additional limits on public access to the beneficial ownership information obtained by the State that is inconsistent with the Act or an amendment made by this Act.

“(e) Definitions.—In this section:

“(1) Beneficial Owner.—The term ‘beneficial owner’ means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables such individual to control, manage, or direct the corporation or limited liability company.

“(2) Corporation; Limited Liability Company.—The terms ‘corporation’ and ‘limited liability company’—

“(A) have the meanings given such terms under applicable State law.

“(B) do not include any business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) or that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o-5(d)), or any corporation or limited liability company formed by such a corporation or limited liability company.

“(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

“(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General, determines in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from such business concern or class would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

“(E) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.

“(F) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), shall be as follows:

“Sec. 2009. Transparent incorporation practices. —

“(d) EFFECT ON STATE LAW.—

“(1) PROPOSED RULE.—Not later than 90 days after a rule described in this subsection in final form in the Federal Register, the Secretary of the Treasury shall publish the rule described in this subsection in final form in the Federal Register.

“(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act if such statute, regulation, order, or interpretation is not inconsistent with the Act or an amendment made by this Act.

“(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

“(B) imposes additional limits on public access to the beneficial ownership information obtained by the State that is inconsistent with the Act or an amendment made by this Act.

“(e) Definitions.—In this section:

“(1) Beneficial Owner.—The term ‘beneficial owner’ means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables such individual to control, manage, or direct the corporation or limited liability company.

“(2) Corporation; Limited Liability Company.—The terms ‘corporation’ and ‘limited liability company’—

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“(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

“(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General, determines in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from such business concern or class would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

“(E) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.

“(F) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), shall be as follows:

“Sec. 2009. Transparent incorporation practices. —

“SUMMARY OF LEVIN-GRAHAME-McCASKILL CORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT

To protect the United States from U.S. corporations being misused to commit terrorism, money laundering, tax evasion, or other misconduct, and to provide the information to civil or criminal law enforcement upon receipt of a subpoena or summons.

Non-U.S. Beneficial Owners. Require corporations and LLCs with non-U.S. beneficial owners to provide a certification from an in-state formation agent that the agent has verified the identity of those owners.

Sec. 3. Penalties for False Beneficial Ownership Information. Establish civil and criminal penalties under federal law for persons who knowingly provide false beneficial ownership information or intentionally fail to provide required beneficial ownership information to a State.

Exemptions. Provide exemptions for certain corporations, including publicly traded corporations and the corporations and LLCs they form, since the Securities and Exchange Commission already oversees them; and corporations which a State has determined, because of a failure by that State to comply with a subpoena or summons, shall be liable to the United States for persons who knowingly provide false beneficial ownership information or intentionally fail to provide required beneficial ownership information to a State.

Funding. Authorize States to use an existing DHS grant program, and authorize DHS...
to use already appropriated funds, to meet the requirements of this Act.

State Compliance Report. clarify that nothing in the Act authorizes DHS to withhold funds from States for failing to comply with the beneficial ownership requirements. Require a GAO report by 2013 identifying which States are not in compliance so that a future date can be determined at that time what steps to take.

Transition Period. Give the States until October 2012 to require beneficial ownership information for the corporations and LLCs formed under their laws.

Anti-Money Laundering Rule. Require the Treasury Secretary to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or other entities for criminals or other suspect persons.

GAO Study. Require GAO to complete a study of State beneficial ownership information requirements for in-state partnerships and trusts.

Mr. GRASSLEY. Mr. President, I rise to speak on the same bill the Senator from Michigan spoke on, but I ought to compliment him. He is most known for being a leader in the area of military affairs because of being chairman of that committee. But for sure, for years he has been also a chairman of the Permanent Subcommittee on Investigations and so much of the work that comes out of this legislation comes out of his work on that committee. I think he ought to be commended for the work he does through investigations there as well.

I am happy to join Senator LEVIN and Senator MCCASKILL in cosponsoring the Incorporation Transparency and Law Enforcement Assistance Act. This bill requires States to obtain corporate ownership information at the time of formation and help law enforcement investigate shell companies which are set up for the sole purpose of conducting illegal activities.

Earlier this year, Senator LEVIN and I introduced a bill that we entitled the Hedge Fund Transparency Act. I said then that the major cause of the current financial crisis is a lack of transparency among hedge funds. That same thing can be said about corporate ownership. In too many States, very little ownership information is required to register a corporation, and the actual owners of that corporation are often hidden behind the agents and lawyers who register the corporation on behalf of owners.

One way these criminals take advantage of this lack of transparency is the practice of setting up and using shell corporations to hide corporate ownership information. These individuals set up shell corporations that have the benefits of corporate registration and function legiti-

mately. But these same corporations are being used to hide illegal activities. These activities include a variety of elaborate schemes to disguise money laundering, tax evasion, and securities fraud. The Department of Justice and the Internal Revenue Service have testified before Congress about how the lack of

particular State. The bill also requires that States ensure required information is updated annually and that States provide the information to civil or criminal law enforcement agencies upon receipt of a subpoena or summons. This also establishes a civil penalty of up to $100,000 and a criminal penalty of up to 3 years in prison for providing false information.

Additionally, the bill would exempt publicly traded companies that are already regulated by the Securities and Exchange Commission. Also, the bill requires non-U.S. beneficial owners to provide certification from an in-State agent that verifies the identity of the beneficial owner.

Finally, this bill requires the Government Accountability Office to complete a study of State beneficial ownership information requirements for in-State partnerships and trusts and gives the States until October 2011 to require beneficial ownership information for these corporations and LLCs that are being formed under their laws.

I urge colleagues to cosponsor and support this legislation as we try to bring greater transparency to our financial system.

By Mr. WEBB (for himself, Mr. BROWN, Mr. VITTER, Mr. WICKER, Mrs. BOXER, Mr. NELSON of Nebraska, and Mrs. LINCOLN):

S. 531. A bill to require that States provide the information to civil or criminal law enforcement agencies upon receipt of a subpoena or summons. This also establishes a civil penalty of up to $100,000 and a criminal penalty of up to 3 years in prison for providing false information.

The hedge fund transparency act.

Mr. GRASSLEY. Mr. President, I rise to speak on the same bill the Senator from Michigan spoke on, but I ought to compliment him. He is most known for being a leader in the area of military affairs because of being chairman of that committee. But for sure, for years he has been also a chairman of the Permanent Subcommittee on Investigations and so much of the work that comes out of this legislation comes out of his work on that committee. I think he ought to be commended for the work he does through investigations there as well.

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I urge colleagues to cosponsor and support this legislation as we try to bring greater transparency to our financial system.
today: that is, to be awarded to those who are wounded or killed during direct combat with the enemies of the United States. More than 1.7 million Americans of every race, color, creed and from all 50 States have received the Purple Heart in honor of their sacrifice to ensure our Nation’s battlefields.

This is the only U.S. military decoration for which there is no recommendation. It is simply earned through bloodshed for our country.

In 2003, the Postal Service honored recipients of this award by commissioning a first-class Purple Heart stamp in a ceremony at the home of George Washington in Mount Vernon, VA. The image used for this stamp is a photograph of one of the two Purple Hearts received by Marine LTC James Loftus Fowler of Alexandria, VA, which he received in 1968 as a battalion commander near the Ben Hai River in South Vietnam. Since that first issuance in 2003, approximately 1.2 billion first-class Purple Heart stamps have been sold, an average of 200 million a year. At the new first-class rate of 44 cents, which is taking place in May, that is approximately $88 million a year in revenue for the U.S. Government.

This yearly sales rate is equal to or greater than the sales of even the most popular commemorative stamps issued during that period, stamps bearing such American icons as Supreme Court Justice Thurgood Marshall, singer Frank Sinatra, and the classic Disney characters. In 2007, the Postal Service created the first “forever” stamp, a stamp which, no matter when it was purchased, would be good for first-class postage on the day it was used. The image they chose was an image as old and venerable and quintessentially American as the Purple Heart—the Liberty Bell. According to a Postal Service press release, since its first issuance in 2007, more than $1 billion forever Liberty Bell stamps have been sold. This is an order of magnitude greater than any other single stamp sold in the United States, generating revenue of $2 billion.

Clearly, the volume of forever stamps is a win for the Postal Service, which is facing a shortfall in future revenues, and a win in terms of the value delivered to the people who want to use them.

In creating the first Purple Heart, General Washington said:

Let it be known that he who wears the military order of the Purple Heart has given of his blood in defense of his homeland and shall forever be revered by his fellow countrymen.

George Washington intended that the Nation he helped found would forever revere those who wear the Purple Heart as a symbol of the sacrifice they have given in our Nation’s defense.

As a recipient of the Purple Heart in Vietnam as a Marine, I believe that making the Purple Heart stamp a forever stamp is the most appropriate way to honor the past and future recipients of our Nation’s oldest military decoration.

I hope my colleagues will join me in this legislation.

By Mr. AKAKA (for himself, Mr. Voinovich, Mr. Carper, Mr. Levin, Mrs. McCaskill, and Mr. Tester):

SEC. 2. PURPOSE.

This Act may be cited as the “Plain Writing Act of 2009.”

This Act may be cited as the “Plain Writing Act of 2009.”

Mr. AKAKA. Mr. President, I rise today to introduce the Plain Writing Act of 2009. I am pleased that Senators George Voinovich, Tom Carper, Carl Levin, Claire McCaskill, and Jon Tester have joined as original co-sponsors of this legislation.

Our bill is very similar to H.R. 946, introduced by Representative Bruce Braley last month.

The Plain Writing Act has a simple purpose: It would require the Federal Government to write more clearly. Agencies would be required to write documents that are released to the public in a way that is clear, concise, well-organized, readily understandable.

This bill would extend an initiative that President Clinton and Vice President Al Gore started a decade ago as part of the Reinventing Government initiative. In 1998, President Clinton directed agencies to write in plain language. Although many agencies have made progress in writing more clearly, the requirement never was fully implemented. In recent years, the focus on plain writing has dropped. This legislation will renew that focus.

There are many benefits to plain writing. First, it promotes transparency and accountability. It is very difficult to hold the Federal Government accountable for its actions if only lawyers can understand Government writing. As we face an economic crisis and unprecedented budget deficits, the American people need clear explanations of Government actions.

Plain writing also improves customer service. Individuals and businesses waste time and money, and make unnecessary errors, because Government instructions and other documents are too complicated. Anyone who has filled out their own tax forms, applications for Federal financial aid or veterans’ benefits, Medicare forms, or any number of other overly complicated documents understands the need for plain writing.

Government officials, in turn, spend time and money answering questions and addressing complaints from people frustrated with Government documents they cannot understand. Correcting the errors people make because they do not understand Government documents demands Government officials’ time as well. Because of this, plain writing makes Government more efficient and effective.

Numerous organizations have called on Congress to require the Federal Government to write more clearly, including the AARP, Disabled American Veterans, National Small Business Association, Small Business Legislative Council, Women Impacting Public Policy, American Nurses Association, American Library Association, American Association of Law Libraries, and several associations dedicated to promoting better communication. These groups support plain writing because their members complain about their frustration with trying to understand Government documents—or hiring attorneys to decipher them—and the time and money they waste because the Government does not write plainly.

As a former teacher and principal, I understand that even very smart people must be trained to write plainly, so this bill recognizes that Federal Employees must be trained in plain writing. Each agency will report their plans to train employees in plain writing. Writing in plain, clear, concise, and easily understandable language is a skill that Congress and Federal agencies must foster. As Thomas Jefferson once said, “The most valuable of all talents is that of never using two words when one will do.”

Additionally, congressional oversight will ensure that agencies implement the plain language requirements. Agencies will be required to designate a senior official responsible for implementing plain language requirements and to report to Congress how it will ensure compliance with the plain language requirement and on its progress.

To avoid imposing too great a burden on agencies, agencies will not be required to rewrite existing documents. Only new or substantially revised documents will be covered. Similarly, this bill does not cover regulations, so that laws can be written first on improving their day to day communication with the American people. We recognize that it will be more challenging to write plainly when crafting regulations, which often must be technical and complex.

Requiring plain writing is an important step in improving the way the Federal Government communicates with the American people.

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. 574

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 called the “Plain Writing Act of 2009”.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear
Government communication that the public can understand and use.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **AGENCY.**—The term "agency" means an Executive agency, as defined under section 103 of title 5, United States Code.

(2) **COVERED DOCUMENT.**—The term "covered document" means a document (other than a regulation) issued by an agency to the public, including documents and other text released in electronic form.

(3) **PLAIN WRITING.**—The term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

**SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.**

(a) **REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.**—Not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency issued or substantially revised.

(b) **GUIDANCE.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Office of Management and Budget shall develop guidance on implementing the requirements of subsection (a).

(2) **ISSUANCE.**—The Office of Management and Budget shall issue the guidance developed under paragraph (A) to agencies as a circular.

(c) **INTERIM GUIDANCE.**—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the writing guidelines developed by the Plain Language Action and Information Network; or

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to under subparagraph (A).

**SEC. 5. REPORTS TO CONGRESS.**

(a) **INITIAL REPORT.**—Not later than 6 months after the date of enactment of this Act, the head of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees in plain writing.

(3) Meeting the requirement under section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(b) **ANNUAL AND OTHER REPORTS.**—

(1) **AGENCY REPORTS.**—

(A) **IN GENERAL.**—The head of each agency shall submit reports on compliance with this Act to the Office of Management and Budget.

(B) **SUBMISSION DATES.**—The Office of Management and Budget shall notify each agency of the date each report under subparagraph (A) is required for submission to enable the Office of Management and Budget to meet the requirements of paragraph (2).

(2) **REPORTS TO CONGRESS.**—The Office of Management and Budget shall review agency reports submitted under paragraph (1) using the guidelines issued under section 4(b)(1)(B) and submit a report on the progress of agencies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(A) annually for the first 2 years after the date of enactment of this Act; and

(B) once every 3 years thereafter.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. BAUCUS. 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 Wednesday, March 11, 2009, at 9:30 a.m. to conduct a hearing entitled "Violent Islamist Extremism: al-Shabaab Recruitment in America."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON RULES AND ADMINISTRATION**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate on Wednesday, March 11, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON THE CONSTITUTION**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittees on the Constitution be authorized to meet during the session of the Senate on Wednesday, March 11, 2009, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**EXTENSION OF CERTAIN IMMIGRATION PROGRAMS**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1127, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1127) to extend certain immigration programs. There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1127) was ordered to a third reading, was read the third time, and passed.

**CONGRATULATING LITHUANIA ON ITS 1000TH ANNIVERSARY**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 70, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 70) congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, today I wish to recognize an important moment for the people of Lithuania. Last month, Lithuania celebrated its 1000 year anniversary. Along with my distinguished colleagues, Senator Voinovich from Ohio and Senator Feinstein from California, I have submitted a commemorative resolution for this occasion.

The birthplace of my mother, who came to the United States from Lithuania with her parents when she was just 2 years old, Lithuania holds a special place in my heart.

A thousand years sounds like a long time, especially in our relatively young United States. But historians have noted that the name of the area now known as Lithuania first appeared in European records, in the German Annals of Quedlinburg.

Traditions of Lithuanian statehood date back to the early Middle Ages, when Duke Mindaugas united an assortment of Baltic Tribes to defend themselves from attacks by the Teutonic Knights. From these early roots, Lithuania grew to encompass territory stretching from the Baltic Sea to the Black Sea by the end of the 14th century.

This nation, which once was the largest in Europe, has seen extraordinary struggles during the last century. It suffered 50 years of occupation, by both Nazi and Soviet forces. Throughout that time, the U.S. Congress stood in support of Lithuania and its Baltic neighbors, Estonia and Latvia, and refused to recognize the Soviet occupation. In 2007, the United States and Lithuania celebrated 85 years of continuous diplomatic relations.

Today, Lithuania is a thriving free-market democracy and a strong ally of the United States. As a member of the European Union and NATO, Lithuania contributes to peace and security in Europe. Lithuania also contributes to global stability and peace building through its contributions to missions in Afghanistan, Iraq, Bosnia, Kosovo and Georgia.

When I traveled to Lithuania a few years ago and visited the village of my mother and grandparents, I was welcomed warmly by President Adamkus, who I have known for many years, and the people of Lithuania. I was so proud, not only to see my family’s roots, but to see how far Lithuania has come, despite the many difficulties it endured in the last century.
I congratulate President Adamkus, Foreign Minister Usackas, and the people of Lithuania on this historic occasion.

Mr. CARDIN. Mr. President, I ask unanimous consent that the resolution be agreed to. The preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 70

Whereas the name “Lithuania” first appeared in European records in the year 1099, when it was mentioned in the German manuscript “Annales of Quedlinburg”;

Whereas Duke Mindaugas united various Baltic tribes and established the state of Lithuania during the period between 1230 and 1263;

Whereas, by the end of the 14th century, Lithuania was the largest country in Europe, encompassing territory from the Baltic Sea to the Black Sea;

Whereas Vilnius University was founded in 1579 and remained the easternmost university in Europe for 200 years;

Whereas the February 16, 1918 Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas in 2007, the United States Government congratulated the people of Lithuania on the occasion of the 1000th anniversary of Lithuania;

Whereas the United States Government congratulates the people of the Republic of Lithuania on the occasion of the 1000th anniversary of Lithuania;

Whereas the name “Lithuania” first appeared in European records in the year 1099, when it was mentioned in the German manuscript “Annales of Quedlinburg”;

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Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, March 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expanded, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 570

Mr. CARDIN. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 570) to stimulate the economy, create jobs at no cost to the taxpayers, and without borrowing money from foreign governments, for which our children and grandchildren will be responsible, and for other purposes.

Mr. CARDIN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar, under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 108-166, appoints the Senator from Alaska, Ms. Murkowski, as a member of the United States Capitol Preservation Commission.

The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101-509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MARCH 12, 2009

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, March 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expanded, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY. VICE MARCOS C. FRACOCK, RESIGNED.

DEPARTMENT OF STATE

RICHARD BAHRL VERMA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE FOR E U R O P E A N AND EURASIAN AFFAIRS. VICE MATTHEW A. RAYMONDS, RESIGNED.

ESTHER HIBRIMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTER-NATIONAL ORGANIZATION AFFAIRS). VICE BRIAN H. HOWE, RESIGNED.

PHILIP B. GORDON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AND EURASIAN AFFAIRS). VICE DANIEL PERD, RESIGNED.

IVO H. DAALDER, OF VIRGINIA, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION. WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

KARL WINDFRIED EKENBRICK, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA FOR THE REPUBLIC OF IRAQ.

MELANIE VERVEER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR WOMEN'S GLOBAL ISSUES.

DEPARTMENT OF HOMELAND SECURITY

IVAN K. PONG, OF OHIO, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY. VICE PHILIP J. PERRY, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS. VICE GORDON H. MANSFIELD, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE RANK INDICATED UNDER TITLE 10, U.S.C., SECTION 1280:

To be rear admiral

RRAD ADM. (LH) MICHAEL W. BROADWAY

To be rear admiral

RRAD ADM. (LH) SEAN F. CRAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE RANK INDICATED UNDER TITLE 10, U.S.C., SECTION 1280:

To be rear admiral

RRAD ADM. (LH) PATRICK R. MCGRAH

RRAD ADM. (LH) JOHN G. MEISSNER

RRAD ADM. (LH) MICHAEL M. SHATYNSKI

PROGRAM

Mr. CARDIN. Mr. President, under the previous order, the Senate will vote at 2 p.m. on the confirmation of the nomination of David Ogden to be Deputy Attorney General. Tomorrow the Senate will also consider the nomination of Thomas Perrelli to be Associate Attorney General. That vote is expected to occur tomorrow afternoon.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CARDIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 5:56 p.m., adjourned until Thursday, March 12, 2009, at 11 a.m.
in order to take at the ballot box what they manipulate the democratic process in El Salvador, President Hugo Chavez—have fought hard to make candidates—with funding from Venezuela’s President and, more importantly, the future direction of El Salvador and the rule of law. This relationship has allowed our people and our governments to work together in the past several years towards common goals.

As we look to the future, we must weigh the potential ramifications of this election and its impact on our region importantly, the longstanding and open policies related to TPS and the flow of remittances. Madam Speaker, the stakes are high this weekend for the people of El Salvador. As they go to the polls to select their next president and, more importantly, the future direction of their nation, I urge them to reject the FMLN and the failed ideas of the past.

**EARMARK DECLARATION**

**HON. STEVEN C. LATOURETTE**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105—Omnibus Appropriations Act, 2009.

**Bill:** H.R. 1105—Omnibus Appropriations Act, 2009

**Project Name:** Clinton Street Bridge Replacement

**Entity:** City of Fort Wayne

**Address:** 1 Main Street, Fort Wayne, IN 46802

**Amount:** $2,000,000

Justification for use of federal taxpayer dollars: Fort Wayne is the terminus of U.S. Route 27, known locally as Clinton Street as the highway winds through downtown. As a federal highway and a historic highway as designated by the Indiana House of Representatives, this roadway should be supported with local, state, and federal resources. Each day, almost 27,000 cars drive along Clinton Street and cross over the St. Mary’s River on an obsolete 1964 bridge that has growing maintenance costs and a sufficiency rating of 64.6 out of 100, which merits concern. Further, poor decisions during its initial construction have led to debris traps in front of the piers that support the structure, blocking water passage and limiting any possible recreational use of the river. The project is necessary to repair essential infrastructure and the economic development of the region.

**Finance Plan:** The city will finance 20 percent of the project, a total of $1.62 million, while additional funding of $1.42 million was approved in the Fiscal Year 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill. The total cost of the project is estimated at $8.1 million. These funds will be used for the replacement of the bridge over the St. Mary’s River in downtown Fort Wayne.

**Member:** Rep. MARK SOUDER

**Bill:** H.R. 1105—Omnibus Appropriations Act, 2009

**Project Name:** Watersystems/Wellcare Corporation of Ashtabula

**Entity:** Water Systems Council

**Justification for use of federal taxpayer dollars:** Clean drinking water is essential for a community to flourish. The use of federal

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
funds in this program are necessary to protect the well drinking water of over 21 million American citizens. As a national nonprofit organization dedicated to ensuring individuals receive safe water from household wells and small water systems, this organization deals with a vast constituency and provides essential services that make it possible for commerce and communities to thrive.

Finance Plan: The funds in this program will go to provide clean water for over 21 million Americans.

**EARMARK DECLARATION**

**HON. PETER J. ROSKAM OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, March 11, 2009*

Mr. ROSKAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman PETER ROSKAM
Bill Number: H.R. 1105
Account: Department of Education, National Projects, Safe Schools and Citizenship Education, Economic Education Exchange Program
Legal Name of Requesting Entity: Center for Civic Education
Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, CA 91302

Description of Request: I rise in support of funding I helped secure in H.R. 1105, the FY2009 Omnibus Appropriations Act of 2009, for the Cooperative Education Exchange Program activities under the Education for Democracy Act. The Cooperative Education Exchange Program in economics is an important one that provides American educators the opportunity to join their counterparts from countries making the transition to a market economy. This provides these emerging areas with the benefit of assistance to education leaders in those foreign countries. It also provides the tremendous opportunity for us to have a voice in shaping these rising economies, and enabling us to think about how our own system, giving us the added benefit of enhanced critical self-evaluation. I am proud to support this program that has cast a wide influence—teachers and students from 43 states and DC have been able to engage teachers and students from more than 30 emerging democracies on the principles and institutions of a market economy and their interaction with a democracy.

**HONORING THE CAMELOT NEIGHBORHOOD WATCH PROGRAM**

**HON. GERALD E. CONNOLLY OF VIRGINIA**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, March 11, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor the Camelot Neighborhood Watch Program (CNWP) of Fairfax County, Virginia.

In the 30 years since its inception, the CNWP has achieved great success, helping lower the general crime rate in its community. As the former Chairman of the Fairfax County Board of Supervisors, I can personally attest to the program’s accomplishments.

The CNWP boasts the largest number of volunteers in Northern Virginia. These volunteers have committed themselves to informing local police of suspicious activities while it is financially and logistically impossible to place a police officer on every street corner, the CNWP has provided Fairfax County with an effective alternative. CNWP volunteers have become the eyes and ears of local police, deterring crime and saving taxpayers millions of dollars.

Those who take the time to cast a watchful eye on their surroundings ensure a safer, friendlier place to live. Through committed neighborhood watch, CNWP participants have proven that community involvement can make a difference.

It is important to note that CNWP has embraced neighborhood diversity. Participants have bridged culture and language gaps in the name of collective security. By recognizing shared community values, the CNWP has facilitated improved understanding and relations between individuals from a variety of backgrounds.

One of the greatest assets of the CNWP is its ability to bring neighbors together. In that spirit I am proud to recognize Mr. Paul Ceyev, CNWP founder and Coordinator for the first 12 years; Mr. Dave Shonerd, his successor who for the next 11 years continued to mold the program into the great success it is today; and Mr. Frank Vajda who continues the great CNWP tradition.

Years of CNWP success have merited several notable accolades. The Fairfax County Mason District Police Department has recognized the CNWP as one of the most effective crime reduction units in the county. The Virginia Crime Prevention Association has recognized the CNWP as the Best Neighborhood Watch in Virginia.

The CNWP is the oldest, continuously active Neighborhood Watch Group in the United States. This highly accomplished neighborhood program serves as an impressive model for other organizations across the nation.

Madam Speaker, in closing, I would like to thank the Camelot Neighborhood Watch Program for 30 years of dedicated service to its community. Programs like the CNWP are vital in our efforts to combat crime. I call upon my colleagues to join me in applauding the CNWP’s past accomplishments and in wishing the program continued success in the many years to come.

**CONGRATULATING TEXAS WESLEYAN UNIVERSITY ON THE RENOVATIONS OF THE MAXINE AND EDWARD L. BAKER BUILDING**

**HON. MICHAEL C. BURGESS OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, March 11, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Texas Wesleyan University on their efforts for the Rosedale Revitalization Project and the completed renovations of the Maxine and Edward L. Baker Building.

A historical building located at the corner of Rosedale and Wesleyan Streets, the $1.2 million renovation of the 5,000 square-foot-space provides a community meeting room, offices and a café. The building has been named in honor of Maxine and Edward L. Baker, parents of Wesleyan Trustee Louella Baker Martin. She and her husband Nick Martin, Fort Worth philanthropists, have been generous supporters of the University. Ed Baker served as chairman of the Texas Wesleyan Board of Trustees fifty years earlier and his father, James B. Baker, served as a trustee beginning in 1934. The Baker family commitment to service for over a century. And with the help of federal funding that I secured which acted like a down-payment, and local efforts to multiply that funding, the university is now using the money to renovate locations like the Baker Building.

The project was made possible through the Rosedale Revitalization Initiative. Founded in 1890 in Fort Worth, Texas Wesleyan University is a United Methodist institution dedicated to the education of students in the region and beyond. The University offers a wide range of degrees for undergraduate and graduate students and educates international students from 29 countries.

I congratulate Texas Wesleyan University as it continues to progress as a distinguished and diverse educational institution assisting with the revitalization efforts of Rosedale Street, and I am proud to represent them in Congress.

**PERSONAL EXPLANATION**

**HON. ADAM H. PUTNAM OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, March 11, 2009*

Mr. PUTNAM. Madam Speaker, on Friday, March 6, 2009, I was not present for three recorded votes. Please let the record show that I am present. I would vote the following way: rollover No. 107, "nay"; rollover No. 108, "yea"; rollover No. 109, "yea".

**HONORING BRIGADIER GENERAL PATRICIA C. LEWIS**

**HON. GERALD E. CONNOLLY OF VIRGINIA**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, March 11, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to pay tribute to Brigadier General Patricia C. Lewis. As her 30-year career in the United States Air Force draws to a close, I would like to draw attention to some of her accomplishments and contributions to our great nation.

Brigadier General Patricia C. Lewis is Assistant Surgeon General, Strategic Medical Plans and Programs, and Chief of the Medical Service Corps. Educated at the University of the Philippines in Manila, she received a direct commission in the Air Force Medical Service Corps upon completing her Master’s degree. In her distinguished career, she has served at Headquarters Air Force Medical Command as Chief of Programs and Evaluations in the Office of the Command Surgeon, and at Headquarters U.S. Air Force as Chief of Personnel.
Training and Medical Programs. She has also served as executive officer to the Air Force Surgeon General and Director of Medical Operations for Headquarters Air Force Inspection Agency. Her commands include the 1st Medical Support Squadron at Langley Air Force Base, Virginia, and 368th Medical Group at Mountain Home Air Force Base, Idaho. Prior to her current assignment, General Lewis was Commander of the Air Force Medical Support Agency, a field operating agency which reports to the Air Force Surgeon General.

In her career, General Lewis has been awarded a Legion of Merit, a Defense Meritorious Service Medal, a Meritorious Service Medal with silver oak leaf cluster, an Air Force Commendation Medal with oak leaf cluster, and an Air Force Outstanding Unit Award. She was also recognized in 1994 by an Air Force Commitment to Service Award for her tireless work with the Medical Service Corps.

General Lewis has served her career with dedication and honor in the service of her country. Her direct support of medical planning and programming efforts for the United States Air Force Medical Service has greatly enhanced the medical capability needed to ensure success in the war on terrorism. In addition, as the Chief of the Medical Service Corps, she has directly impacted the careers of hundreds of health care executives in the Corps and will influence several generations beyond the tenure of her career.

Madam Speaker, I ask that my colleagues join me in commending Brigadier General Patricia C. Lewis for her lifetime of hard work in the service of our country.

EARMARK DECLARATION

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: Nashville

Description of Request: The funds will be used for engineering and design of a dry-dam on the South Fork of the Little Riper, which would reduce 100 year flood levels in the City by 2.6-4.9 feet. This project will protect the safety and security of the citizens in the vicinity of the flood zone. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Clinton County Community Senior Wellness Center

Address of Requesting Entity: 100 South Cross Street, Albany, KY 42602

Description of Request: The funds (264,500) will be used to establish a Clinton County Community Senior Wellness Center to serve the needs of the elderly community to further enhance the quality of life in the rural community at the Senior Center. The center will serve as a facility to enable seniors to receive health and educational services in the community. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. LEONARD LANCE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women’s History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County’s Commission on the Status of Women awards in New Jersey’s Seventh Congressional District.

The Commission presents awards annually in celebration of National Women’s History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year’s Education Award winner is Elizabeth Stitley of Somerville. She currently serves as a supervisor of Allied Health Programs at Somerset County Technology Institute since 2003.

In this capacity, Elizabeth has spearheaded the growth of the program, which now offers two full-time, day practical nursing programs and an evening program. She was instrumental in adding a new skills laboratory with a task-training center that will soon be equipped with cameras.

Elizabeth has served as president of the Practical Nurse Educators Council and of the New Jersey League for Nursing, and received the league’s 2004 President’s Award. She also is a member of Sigma Theta Tau, the international nursing honor society.

I am pleased to commend Elizabeth Stitley for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

Bill Number: H.R. 1105

Account: EERE

Legal Name of Requesting Entity: University of Arkansas Division of Agriculture, 2404 North University Avenue, Little Rock, AR 72207; Arkansas State University College of Agriculture, PO Box 1080, State University, AR 72457; College of Agricultural and Environmental Sciences, University of Georgia, 101 Conner Hall, Athens, GA 30602

Address of Requesting Entity: see above

Description of Request: The funding of $475,750 will be used to purchase additional testing instrumentation, materials and alternate energy storage and transmission prototype development for the University of Arkansas’s electric test facility.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women’s History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County’s Commission on the Status of Women awards in New Jersey’s Seventh Congressional District.

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I am pleased to commend Elizabeth Stitley for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

Bill Number: H.R. 1105

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Address of Requesting Entity: see above

Description of Request: The funding of $475,750 will be used to purchase additional testing instrumentation, materials and alternate energy storage and transmission prototype development for the University of Arkansas’s electric test facility.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY
authorizing use of capitol grounds for national peace officers' memorial service

speech of
hon. sheila jackson-lee
of texas
in the house of representatives

tuesday, march 10, 2009

ms. jackson-lee of texas. mr. speaker, i rise in support of h. con. res. 38, "authorizing the use of the capitol grounds for the national peace officers' memorial service", introduced by delegate eleanor holmes norton, of the district of columbia. i would also like to thank delegate eleanor holmes norton for her leadership on this.

everyday, men and women from all over the nation put their lives on the line to protect the freedoms that we all enjoy. they have taken an oath to serve and protect us from dangers both seen and unseen, and do so with distinction and great diligence. this very brave group of people put aside all fears and inhibitions, risking their health, well-being, and comfort of their families to serve in a capacity that few desire. i believe it to be a worthy honor to have the capitol grounds used for the memorial services.

many believe that police officers have the most stress filled jobs. there's no question that police officers experience stressful situations with more frequency than most people. while municipalities hire and pay individual policemen, they seldom consider that the entire family endures the pains of the job, many of which have a deleterious affect on the family. the job and family simultaneously creates an environment that can be managed by few. given the many sacrifices officers make during their lives for our rights and privileges, the burdens on the family should be few and minimized. using the capitol grounds for memorial services offers appreciation to not only the officer, but to the entire family, which they so graciously deserve.

washington, dc, our nation's capital, is filled with memorials and museums that help us to remember the countless sacrifices that men and women have made for the freedoms of our great nation. we are a nation who knows the importance of erecting these symbols to help us remember those who fought and died for the greater good.

the world war ii memorial honors the 16 million who served in the armed forces of the u.s., the more than 400,000 who died, and all who supported the war effort from home. symbolic of the defining event of the 20th century, the memorial is a monument to the spirit, sacrifice, and commitment of the american people.

the veteran's memorial, which is a gleaming black granite wall etched with the names of the 60,000 soldiers who died in vietnam or remain missing in action. while it does nothing to diminish the tears of families who visit year after year; however, it permanently helps them recognize that their dying was not in vain and that the government of the united states remembers their sacrifice.

there are veterans and other exceptional individuals buried at arlington national cemetery from world war ii to the present. military action in iraq and afghanistan. since may of 1864, arlington has been a fully operational national cemetery. today, the cemetery performs services for military casualties from the iraqi and afghanistan war fronts, as well as the aging world war ii veterans.

this country has a long history of recognizing soldiers who have fallen fighting foreign threats. this country must also recognize those who face domestic threats. therefore, i stand in support of h. con. res. 38, "authorizing the use of the capitol grounds for the national peace officers' memorial service."

recognizing beverly eckert for 9/11 victims work

speech of
hon. bennie g. thompson
of mississippi
in the house of representatives

wednesday, march 4, 2009

mr. thompson of mississippi. mr. speaker, i rise in support of h. res. 201, which recognizes the life of beverly eckert, a cofounder of "voices of september 11th" and the widow of sean rooney, who was killed in the twin towers on september 11th. ms. eckert worked tirelessly for "voices of september 11th," an advocacy and support group of 9/11 children and victims of 9/11, which served as a driving force for intelligence and homeland security in the wake of the attacks of september 11, 2001. after the attacks, beverly eckert focused all of her emotions into organized advocacy for government and future transparency to make our nation more secure.

ms. eckert was faced with opposition and indifference, but she continued to press forward in her fact-finding and preventative efforts. her strong, constant voice led to the creation of the national commission on terrorists attack upon the united states—or the 9/11 commission. after the commission's formation, eckert continued her mission by participating in hearings and demanding implementation of the commission's recommendations. during testimony as a member of the 9/11 commission's family steering committee, eckert praised the commission for their efforts to completely inform the public as to the failures on september 11th through public hearings and reports. she also warned congressional members and the white house in regards to the commission's recommendations that, unlike other commission recommendations, implementation of 9/11 commission recommendations would be necessary because "there is no shelf on which they can be hidden." to that end she successfully pushed for the passage of the "implementing recommendations of the 9/11 commission act of 2007."

in conclusion, beverly eckert was a tenacious citizen who nudged and prodded the leaders of this nation to look at their mistakes and implement the steps to correct them. ms. eckert was not interested in partisanship, fear-mongering, or saber-rattling. she was a woman who made sure that the death of her husband and those who died on september 11th would not be in vain. in that process, she reinforced the message that you can make a difference and that the country, should not give into the fear of terrorism.

i urge my colleagues to support the resolution and formally recognize ms. beverly eckert for her continued work to ensure that the victims and families of the september 11th attacks are never forgotten and to ensure that our country is protected from such attacks in the future.

sense of house regarding national school breakfast program

speech of
hon. maxine waters
of california
in the house of representatives

monday, march 9, 2009

ms. waters. mr. speaker, i rise in strong support of house resolution 210, recognizing the importance of the national school lunch program and commend my colleague, rep. gwen moore, for bringing this measure before the house.

this important program provides breakfast to over 8 million children through either free or reduced-price meals in approximately 16,000 schools. with the current economic crisis, working families are facing challenges they never expected. last week, the department of labor announced the u.s. economy lost 651,000 jobs in february, and the unemployment rate hit 8.1 percent, its highest point in since 1983. these job losses make it even harder for some families to feed their children. make sure they turn to schools for help. we know that children who have had that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services.

we've learned over the years that making breakfast widely available through different venues, such as in the classroom, or as students exit their school bus, or outside the classroom, has been shown to diminish the stigma of receiving free or reduced-price breakfast, which often prevents eligible students from getting a traditional breakfast in school cafeterias.

providing breakfast in the classroom can improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals. students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than those who eat a partial breakfast. students who skip breakfast are more likely to be distracted, disengaged, less alert, and have lower memory recall. studies have shown that access to nutritious programs such as the national school lunch program and national school breakfast program helps to create a strong learning environment for children and helps to improve children's concentration in the classroom.

mr. speaker, this is an incredibly important program with a well-documented track record of success. i'm pleased to add my voice of support for the national school breakfast program and i will be working with my colleagues to make sure that we provide the resources necessary to provide the benefits of this program to every hungry child who needs breakfast at school.
General Government appropriations bill. through the FY2009 Financial Services and mechanical harvesting abscission compound, citrus operations. Economic survival of Florida’s small business-run organization has become an effective alternative. These small business operations are one of the last sectors for which mechanical harvesting technology must be developed. Such technology is critical for the future economic survival of Florida’s small business-run citrus operations. For this reason, funding is sought for the benefit of citrus small business operators, directed to the Florida Department of Citrus, to continue development of the abscission technology through the FY2009 Financial Services and General Government appropriations bill.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women’s History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County’s Commission on the Status of Women awards in New Jersey’s Seventh Congressional District. The Commission presents awards annually in celebration of National Women’s History Month. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year’s Public Service Award winner is Pamela Ely of Bridgewater. She is a founding member of the Raritan Valley Habitat for Humanity. Pamela served on the organization’s board of trustees for three years and as president for three years. She has been the organization’s executive director for the past decade, and has made substantial contributions to the organization’s growth and success.

I am pleased to congratulate Pamela Ely for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EL SALVADOR ELECTIONS

HON. PAUL C. BROUN
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. BROUN of Georgia. Madam Speaker, El Salvador is a good friend and ally of the United States. After we suffered the attacks of 9–11, most Salvadorans kept us in their prayers . . . But one group felt differently.

The Farabundo Marti National Liberation Front (FMLN), an extreme left-wing party, issued a communiqué that the U.S., for its policies, was itself to blame for being attacked. The U.S. Embassy publicly denounced the FMLN’s declaration.

Four days after 9/11, the FMLN had a march in their capital city to celebrate the attack by Al-Qaeda and to burn the American flag. The leader of that march was Salvador Sanchez Ceren, who today is the FMLN’s candidate for Vice President. The FMLN political party in El Salvador supports designated terrorist organizations, such as the FARC and State Sponsors of Terror, such as Iran and Cuba.

The FMLN has a long history of hostility towards us. If the FMLN should take power in El Salvador, it will be urgent for Congress to review our policies in order to assure the national security of the United States. Under current law, the election of a pro-terrorism party in El Salvador would have real consequences. Since the 9/11 attacks, the U.S. has enacted stronger tools to fight terrorism and those who funnel money to support it.

I want to make clear that these actions would not be punitive; they are not meant to chastise Salvadorans, but the U.S. will not aid sponsors of terrorism. We have an obligation to protect the U.S. and our citizens against those seeking to do us harm.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES MARINES CORPORAL JAVIER ALVAREZ

HON. GABRIELLE GIFFORDS
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize former United States Marine Corporal Javier Alvarez, who January of this year was awarded the Silver Star for his gallantry in Iraq.

As a Squad Leader with the 13th Marine Expeditionary Unit near New Ubaydi, Iraq, Corporal Alvarez joined other U.S. and Coalition forces attempting to stem the flow of foreign fighters and insurgents in Operation STEEL CURTAIN. Corporal Alvarez and his platoon were attacked by frontal and flaming fire from four, well-fortified enemy positions. Braving certain peril, Corporal Alvarez courageously led his squad one-hundred meters through withering automatic weapons fire to reinforce his Platoon Commander and other Marines. Although wounded, Corporal Alvarez continued to lead his Marines in close combat with the enemy, while aiding in the evacuation of other Marines. While reloading his weapon, an enemy grenade was thrown in the midst of Corporal Alvarez and his squad. Selflessly and without regard to his own well being, he grabbed the grenade and began to throw it back at the enemy when it detonated.

Severely injured by the blast, Corporal Alvarez was evacuated by his Platoon Sergeant. His valiant efforts and those of his fellow Marines resulted in the deaths of 18 enemy insurgents and undoubtedly saved the lives of numerous Marines and Sailors.

His citation reads in part, “Corporal Alvarez’s indomitable spirit, dauntless initiative and heroism were an inspiration to those with whom he served. By his outstanding display of decisive leadership, unlimited courage in the face of heavy enemy fire, and total devotion to duty, Corporal Alvarez reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.”

Our Nation owes him a debt of gratitude and remembers his fellow Marines, Sailors, Soldiers and Airmen who have paid the ultimate price in Iraq and Afghanistan.

MAKE HEALTH CARE A PRIORITY

HON. RUSS CARNAHAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. CARNAHAN. Madam Speaker, yesterday, the New Democrat Coalition including myself met with President Obama at the White House to discuss legislative strategy including the looming crisis of health care. Missourians I represent expect their leaders to talk straight and provide common-sense solutions. President Obama and the new Congress have been doing just that. This year we
have sought solutions to cover the more than 47 million Americans without health care. Already this year we have dramatically increased health care coverage for low-income and uninsured children.

We’ve also modernized the health care system to lower costs and save lives by investing in Health Information Technology systems.

It is reassuring to see that the President’s budget puts aside more than $630 billion over the next 10 years to reform health care, reduce Medicare overpayments to private insurers, and reduce drug prices. By tackling this issue head on we can pay the high costs that are a drag on the entire economy.

The commitment by the New Dems and President Obama to health care is working to not only do the right thing but to ensure America and its children remain competitive in today’s global economy.

**PRESIDENT OBAMA’S EXECUTIVE ORDER ON STEM CELL RESEARCH**

**HON. RON KLEIN**

**OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

Mr. KLEIN of Florida. Madam Speaker, this Tuesday marked an historic day for science and medical research efforts across our country as President Obama lifted the ban on federally funded stem cell research enacted in 2001. With this executive order, the President has reversed the federal government’s commitment to funding promising medical research with the potential to treat and cure some of the most debilitating human diseases.

One of the great promises of stem cells is their potential for use in developing new therapies for life altering diseases such as cancer, diabetes, and Parkinson’s. Stem cell research offers the hope of a better life to millions of Americans, and by supporting this research we will open the door for groundbreaking discoveries at research facilities like Scripps Florida. The President has been clear that stem cell research in this country will not be undertaken lightly, and will only be conducted in the most responsible, ethical manner possible, with strict guidelines to prevent misuse and abuse.

Funding stem cell research is also a great investment in our future, not only from a personal health standpoint but from an economical and cost-efficiency perspective. Finding cures and therapies may reduce the cost of hospitalization and other expensive components of our health care system. By increasing our investment in stem cell research, we can also retain and attract some of the best and brightest scientists that have, up to now, been stifled by restrictions on which stem cell lines they may use for their research. The United States has always been a world leader in science and the holistic, and with this commitment, we can once again conduct the most cutting-edge research right here in the U.S. that will bring the next big breakthroughs in the world of medicine.

From juvenile diabetes to paralysis, the potential of stem cell research is boundless and this order presents one of humanity’s greatest leaps toward the ultimate goal of preserving, prolonging and improving the quality of our lives. As a strong advocate of this research, I commend the President for his commitment to funding comprehensive stem cell research in the United States.

**COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY**

**HON. LEONARD LANCE**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

Mr. LANCE. Madam Speaker, I rise in honor of National Women’s History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County’s Commission on the Status of Women awards in New Jersey’s Seventh Congressional District.

The Commission presents awards annually in celebration of National Women’s History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year’s Business Award winner is Ann Minzner Conley, the vice president of Loss Control Services for Chubb Commercial Insurance.

Ann is the company’s executive-liability specialist. She mentors young adults considering careers in science and engineering, and also coaches youth soccer and plays on the Basking Ridge Mavericks women’s soccer team.

I am pleased to congratulate Ann Minzner Conley on her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

**TRIBUTE TO CAPTAIN MARVIN WESTBERG**

**HON. MIKE COFFMAN**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

Mr. COFFMAN. Madam Speaker, last Friday, at Ft. Logan National Cemetery in Colorado, Captain Marvin Westberg was laid to his rest with full honors. He passed away February 18 at the age of 87. Captain Westberg graduated what is now the University of Northern Colorado, in Greeley. He then joined the United States Navy, spending 22 years on active duty. He served in both WWII and the Korea War. After retiring from the United States Navy in 1964, he started a second long career with United Airlines.

I have spoken to Marv on several occasions. Among the best stories he told was about one instance when he was training a young pilot to fly. Marv fired up his trademark pipe in the cockpit and gave the trainee a command, to which the trainee replied, “Can’t see sir, too much smoke, sir!” Marv never forgot that the trainee was the elder George Bush. Marv also witnessed the surrender of Japan from his ship, anchored next to the USS Missou in Tokyo harbor, on September 2, 1945.

Madam Speaker, our nation and our libraries are built from the service of men and women like Captain Marvin Westberg. He contributed his talents and abilities to our national defense, to our nation’s economy, to our political system, and to the life of his friends and neighbors. I just wanted to take a small moment to recognize his service, and his career.

**COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY**

**HON. LEONARD LANCE**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

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The Commission presents awards annually in celebration of National Women’s History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year’s Journalism Award winner is Alice Steinbacher of Bernardsville, where she edits and publishes Chapter II for the United States Navy in 1964, he started a second long career with United Airlines.

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**TRIBUTE TO RICHARD M. SCHOELL**

**HON. TIMOTHY V. JOHNSON**

**OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 11, 2009**

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to recognize and honor Richard M. Schoell, Executive Director of the Office of Governmental Relations at the University of Illinois. Rick recently announced his retirement from the University after spending 22 years of dedicated time and effort ensuring that the University of Illinois remains one of the premier research institutions in the world.

I have known Rick for every one of those 22 years through my time as a State Representative in Illinois. In 1989, Rick joined the University. Rick was an accomplished writer. He edited and publishes Chapter II for the United States Congress and the American people.

This year’s Journalism Award winner is Alice Steinbacher of Bernardsville, where she is an accomplished writer.

Alice entered her career in marketing, radio, advertising, public relations and publishing in 1970 as marketing assistant at John Blair and Steinbacher Advertising. She has published Renaissance Morristown. Alice edits and publishes Chapter II for the seniors of the Somerset Hills.

I am pleased to congratulate Alice Steinbacher for her outstanding efforts and
share her good work with my colleagues in the United States Congress and the American people.

YIMBY AWARD TO STEVEN GARTRELL

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. FRANK of Massachusetts. Madam Speaker, on Sunday, March 8th, I had the privilege of one of the most worthwhile organizations in the district that I am privileged to represent—CAN-DO. Lead by Josephine McNeil, CAN-DO does extraordinarily important work in trying to get affordable housing of various sorts—rental, ownership, group homes—placed in the City of Newton, where I live. This requires a great deal of work, both in compiling together the finances at a time when money was not adequate for these purposes, and in dealing with neighborhood resistance which generally turns out to have been unjustified, but which was nonetheless strong in some cases.

In addition to being able at that event to praise the work of Josephine McNeil, I had the chance to share the evening’s speaking program with Steven Gartrell, who is just retiring as Director of the Housing and Community Development program in the City of Newton. He won the YIMBY Award from the organization: the “Yes, In My Back Yard!” honor. As the Community Development Director for the City of Newton for many years, Steve Gartrell exemplified public service that was compassionate and responsible. Under his leadership, serving several mayors, the city spent its community development block grant money wisely and well. Steve Gartrell did the most good that any group of people, among the Salvadoran immigrant community, could do to make such a vital program work.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker, on Thursday, March 5, 2009, I was not present for a recorded vote. Please let the record show that had I been present, I would have voted the following way:

Roll No. 106—yea.

EL SALVADOR ELECTIONS

HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. ROHRABACHER. Madam Speaker, El Salvador is a good friend of the United States. And after we suffered the attacks of 9/11, most Salvadorans kept us in their prayers. But one group felt differently. The FMLN, a pro-terrorist, Left wing party in El Salvador, issued a communiqué in which the U.S., because of its policies, was itself to blame for being attacked. The U.S. Embassy in El Salvador publicly denounced that declaration, yet the FMLN is now poised to possibly enter into the government in El Salvador.

Four days after 9/11, the FMLN had a march in their capital city to celebrate the 9/11 attack by Al-Qaeda. Al-Qaeda flies the American flag. The leader of that march was Salvador Sanchez Ceren, who today is the FMLN’s candidate for El Salvadoran Vice President. El Salvador’s election is on Sunday. If an ally of Al-Qaeda and Iran comes to power in El Salvador, the national security interests of the United States will require certain immigration restrictions and controls over the flow of the $4 billion in annual remittances sent from the U.S. back home to El Salvador.

Let me make clear that I am not pun- ish Salvadorans, but if a pro-terrorist government takes power, it will be imperative to review our policies in order to protect the national security of the United States.

STATEMENT ON UNITED STATES POLICY REGARDING TEMPORARY PROTECTED IMMIGRATION STATUS, MONEY TRANSFERS AND U.S. NATIONAL SECURITY

NEW WORLD REALITY OF TERRORISM

The global offensive waged by terror groups against the United States and the free world obliges our nation to make strong decisions to help assure our own security.

REMITTANCES AN ISSUE OF U.S. NATIONAL SECURITY

The U.S. government, in permitting or prohibiting unregulated remittances from the United States to a foreign country, must concern itself above all with the national security of the United States.

Policy decisions regarding monetary remittances to foreign countries must now be viewed with special attention paid to the degree of confidence and effective cooperation that exists with the counterpart government.

It has been determined through a number of official investigations that some of the same groups that direct terror campaigns against us and our allies may help finance those campaigns with money acquired in the United States and then transferred out of the country.

REMITTANCES DESTINED FOR TERRORIST GROUPS MUST BE BLOCKED AND SEIZED

To fight this threat, tougher laws have been enacted and effective law enforcement efforts have been able to block and seize funds originating in the United States that were directed to terrorist groups. Toward that end, international and bi-lateral cooperation is of the utmost importance.

Ample legal precedent exists to shut down U.S.-based organizations that send money or material support, directly or indirectly, to terrorist entities, and to seize their assets. The FBI and Department of the Treasury have done so on several occasions since the September 11, 2001, terrorist attacks.

COUNTRY POLICY ON REMITTANCES AND PRO- TERRORIST GROUPS

The country policy regarding the unregulated flow of remittances should be urgently reviewed and, in most cases, those remittances need to be totally terminated, if a pro-terrorist party wins power or enters the government of a country.

EL SALVADOR AS A PRO- TERRORIST PARTY

The FMLN was created in 1980, with the direct help of Fidel Castro, as an armed sub- group against the United States and the Salvadoran government. The FMLN fought the violent overthrow of the Government of El Salvador in order to replace it with a pro-Castro Marxist-Leninist regime. After years of armed aggression against the U.S., which included the murder of four U.S. Marines in El Salvador as well as other U.S. citizens, the FMLN signed a peace agreement in 1992 that brought the war to an end and led to the participation of the FMLN in the political process.

CURRENT ACTIONS OF THE FMLN

The FMLN continues to participate actively in international organizations with violent and radical anti-U.S. groups and terrorist organizations. The FMLN contains clandestine armed groups that have been linked to violent actions against citizens of El Salvador, including the murder of a policeman and an attack on a presidential convoy.

The FMLN maintains direct ties with terrorist organizations. The FMLN’s peace agreement, which was confirmed by electronic records left by the Colombian narco-guerrilla terrorist group the FARC on a laptop computer used by one of the group’s leaders. The email found that a key figure of El Salvador’s FMLN, Jose Luis Merino (alias “Ramiro”), assisted the FARC in contacting international arms dealers for the purpose of obtaining weapons.

Purges in the FMLN have left the party under the complete control of its most hard-lined communist leaders. The party is also known to organize in the United States among the Salvadoran immigrant community.

EXCELLENT CURRENT RELATIONS BETWEEN U.S. AND EL SALVADOR

It must be emphasized that the United States has very good relations with the current government of El Salvador, led by the party ARENA. This friendship is based on confidence, shared values, mutually beneficial international policies and strong personal relationships.

Excellent bi-lateral relations permit a high-level of cooperation on important national security matters. El Salvador provides military and intelligence cooperation and was one of the longest-serving members of coalition that sent armed forces to post-war Iraq. El Salvador is also a valued ally in the war on drugs, providing the United States with an important Forward Operating Location in Central America.

TPS BASED ON EXCELLENT STRATEGIC RELATIONSHIP

In the context of excellent relations and close cooperation, the U.S. government was able to grant and extend TPS for the benefit of nearly 300,000 Salvadorans now living and working in the United States. For similar
reasons, the U.S. government has not had special concerns about the source and use of the nearly $4 billion in remittances sent last year by Salvadorans in the United States to their home country, allowing the free movement of that large sum. The government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security.

CURRENT U.S. POLICY ON REMITTANCES TO EL SALVADOR IS BASED ON A STRONG STRATEGIC RELATIONSHIP

In the context of excellent relations and close cooperation, the U.S. government has not had special security concerns about the source and use of nearly 4 billion dollars per year (2008) sent by Salvadorans in the United States to their home country. The current government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security.

FMLN IN GOVERNMENT RADICALLY CHANGES THE EQUATION

If the FMLN enters the government of El Salvador following the presidential elections scheduled for March 2009, it will mean a radical termination of the conditions that deride the movement of billions of dollars a year and that permitted the granting of TPS in the first place and its continuation. The U.S. government would have no reliable counterpart to satisfy legitimate national security concerns, especially those regarding the threat posed by pro-terrorist groups and the providing of funding for those groups.

FMLN IN GOVERNMENT COULD REQUIRE TERMINATION OF TPS

Therefore, if the FMLN enters the government in El Salvador it will be necessary for the U.S. authorities to consider all available information regarding the ties of the FMLN to violent anti-U.S. groups and designated terrorist groups and, on that basis, proceed toward the immediate termination of TPS for El Salvador.

FMLN IN GOVERNMENT COULD REQUIRE CONTROL OF REMITTANCES

In many instances, pro-terrorist groups conduct fundraising in the United States, and special controls and restrictions on the flow of funds have been applied where necessary. Given the pro-terrorist nature of the FMLN, it is very likely that designated terrorist groups, if the FMLN enters the government in El Salvador, it will be urgent to apply special controls to the flow of remittances from the United States to El Salvador, a sum that is currently $4 billion per year.

This review would examine and consider the termination of the flow of money remittances to El Salvador, either from our country, in our currency, or using our financial system and its means of land- and space-based telecommunications.

U.S. PROHIBITION ON DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

The U.S. Department of State has expressed the ramifications, based on U.S. law, of the designation of foreign terrorist organizations (FTO).

It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide “material support or resources” to a designated FTO. (The term “material support or resources” is defined in 18 U.S.C. § 2339A(b)(1) as “any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, training, transportation, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.”

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FACTS ABOUT THE FMLN LEADERSHIP

Leadership of FMLN is hostile to U.S. FMLN, in power, would follow anti-U.S. agenda of Venezuela’s radical president Hugo Chavez and join Cuba, Nicaragua, Bolivia, Equatorial Guinea, and others in the ALBA Petroleros.领袖 of the FMLN in power, would follow anti-U.S. agenda of Venezuela’s radical president Hugo Chavez and join Cuba, Nicaragua, Bolivia, Equatorial Guinea, and others in the ALBA Petroleros. Chavez helps finance FMLN campaign by selling cut-rate diesel fuel to FMLN’s "ALBA PETROLEOS". Reselling the fuel (20% of the diesel sold in El Salvador) gives FMLN an estimated at $20 million.

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18 U.S.C. § 2339A(b)(2) provides that for these purposes “the term ‘training’ means instruction or teaching designed to impart a specific skill, as opposed to general knowl-
edge.” 18 U.S.C. § 2339A(b)(3) provides that for these purposes “the term ‘expert ad-
dvice or assistance’ means advice or assistance derived from scientific, technical or other specialized knowledge.”

Representatives and members of a des-
ignated FTO, if they are aliens, are inadmis-
sible to, and, in certain circumstances, re-

Any U.S. financial institution that be-
comes involved in providing financial sup-
port over funds in which a designated FTO or its agent has an interest must retain posses-
sof or control over funds and report the funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury.

FMLN IN GOVERNMENT WOULD FORCE A CHANGE IN U.S. IMMIGRATION PRACTICES REGARDING EL SALVADOR

Since the 1980s, the United States has maintained a lenient immigration policy to-ward Latin Americans, particularly Central Americans, who have illegally en-
forced its laws. In the past decade, successive Salvadoran governments, offering Wash-
ington credible assurances of security and immigration policies, have asked the U.S. for continued leniency toward their citizens who enter and work in the United States il-
legally. However, if a pro-terrorist party en-
ters government in El Salvador that creates a radically different strategic reality and the U.S. will be compelled to change its immi-
igration enforcement policy.

FMLN IN GOVERNMENT COULD MAKE IT AN UNTRUSTWORTHY COUNTERPART

Based on the intimate relations between the FMLN and narco-guerrilla FARC ter-
rorist organization in Colombia, if the FMLN were to enter government in El Salvador, the U.S. will have no alternative but to apply maximum lawful security measures to Sal-
vadoran nationals living and working in the country illegally without valid identifica-
tion, visas, work permits, and related papers.

The Department of the Treasury may be forced to enforce all available legal authority to monitor, control, delay, or terminate the movement of remittances and other money transfers to El Salvador, and the Department of Home-
land Security or the Treasury Department may need to adopt new regulations to TPS and to undertake a massive review of Salva-
doran nationals residing in or entering the U.S. unlawfully.

TO RAPIDLY TERMINATE THE FLOW OF REMIT-
TANCES, HOMELAND SECURITY MUST PREPARE A CONTINGENCY PLAN

The United States must be prepared to apply, on an emergency basis, the full array of legal instruments available should cir-
cumstances after the Salvadoran election re-
quire the urgent termination of the flow of remittances to that country. Under U.S. law and in accordance with our national security policies, the immediate responsibility for preparing these plans resides with the De-
partment of Homeland Security, working in conjunction with the Department of the Treasury and other agencies of the U.S. gov-
ernment.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE, Madam Speaker, I rise in honor of National Women’s History Month, and I would like to congratulate a number of out-
standing women who will be recognized at the Somerset County’s Congresswoman’s celebration of the Status of Women awards in New Jersey’s Seventh Congressional District.

The Commission presents awards annually in celebration of National Women’s History Month. This year, there are 17 women being honored, including entre-
preneurs, educators and hometown heroes whose community service is considered ex-
traordinary.
This year’s Health Services Award winner is Barbara Tofani of Hillsborough, where she currently works as a registered nurse.

Since 2005, Barbara has been the director of the Hunterdon Regional Cancer Center in Raritan Township.

As director of The Center for Nursing and Health Careers from 2001–05, she was responsible for developing and implementing a strategic plan to address the health care workforce shortage in New Jersey. I am pleased to congratulate Barbara Tofani for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

SUPPORTING ARKANSAS FIREFIGHTERS

HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BOOZMAN. Madam Speaker, I rise today in recognition of America’s firefighters.

Not a day goes by that I don’t read or hear a story of the dangers and sacrifices our firefighters face to protect us. We are so blessed to have such great men and women who are dedicated to ensuring our safety.

The work that they do in our communities is an important job that requires our commitment to help provide funds for resources and training that enables them to perform their jobs as best as they can. I have been proud to support Arkansas’s firefighters in the past by helping to secure grant funding and that work will continue.

Last year when the barracks at Fort Chaffee caught fire, our firefighters braved high winds to contain the fire and protect our communities. That blaze required the help of numerous firefighters including men and women who volunteer their time to help keep us out of harm’s way.

According to the National Volunteer Fire Council, the biggest challenges facing volunteer fire departments and emergency services are retention and recruitment. We can help ease those hurdles with new legislation that offers incentives to those who are at the forefront of fires. The Volunteer Firefighter Recruit- ment and Retention Act and the Volunteer Firefighter/EMS Gas Price Relief Act show our appreciation for the work that is imperative to protecting our rural communities.

Firefighters put their lives on the line for their fellow citizens, and my appreciation for these Americans who help protect us is immeasurable. I urge the House Committee on Ways and Means to consider these bills, and for Congress to offer more support to all of the men and women who serve our communities with such valor.

RECOGNIZING NEW SOURCE BROADBAND COMPANY ON THEIR GRAND OPENING AND RIBBON CUTTING

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BURGESS. Madam Speaker, I stand before you today to recognize New Source Broadband for their far-sighted provision of high speed Internet services to rural areas.

New Source Broadband Company is a pioneer in the high speed Internet industry as they are reaching customers that larger companies have deemed unprofitable. This company has earned my respect for remembering that rural connectivity must not be left behind in the Information Age. Farmers, ranchers, lake-area inhabitants, and other country dwellers now have immediate access to online communities and knowledge databases thanks to the innovation and concern of this company. New Source Broadband Company will be opening their third office and continues to expand their service capacity to rural areas.

Mr. BURGESS. Madam Speaker, I commend the management and employees of New Source Broadband Company for the positive professional contribution they have made to rural communities, notably constituents within the Twenty-Sixth District of Texas. I warmly congratulate New Source Broadband Company upon the opening of their third store and wish them continued business growth.

HONORING CELE PETERSON ON HER 100TH BIRTHDAY

HON. GABRIELLE GIFFORDS
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Ms. GIFFORDS. Madam Speaker, it is my great honor today to honor Cele Peterson, a resident of Tucson, Arizona who on March 14, 2009, celebrates her 100 birthday. Ms. Peterson is the founder and owner of a dress store that has been an integral part of the Tucson business community for generations. But to call Ms. Peterson a dressmaker or even a businesswoman fails to capture how important this woman is to countless Southern Arizonans who have been touched by her kindness and good works.

It is impossible to imagine what Tucson would be like without Ms. Peterson’s presence. Through her hard work and generosity, she helped define and shape our city. Her caring spirit and actions are an inspiration to all of us.

Our world today is very different from the one Ms. Peterson entered 100 years ago, on March 14, 1909. Then, much of Europe was still ruled by kings and queens. A czar presided over Russia, a sultan based in Constantinople dominated the Middle East, and William Howard Taft occupied the White House. In 1909 the first Lincoln-head penny went into circulation, the Wright Brothers delivered the first military plane to the army, and two American explorers, Robert Peary and Matthew Hansen, declared they were the first Americans to reach the North Pole.

Mr. Peterson was born in 1909, the year Mr. Burgess was born saw the U.S. Navy open Pearl Harbor; a Ford Model T win the first transcontinental motorcar race, Sir Thomas Lipton begin packaging tea in New York, and the White Star Line start construction of the Titanic. It was the year Barry Goldwater, Errol Flynn and Douglas Fairbanks were born and the year the artist Frederic Remington and the Apache leader Geronimo died.

Ms. Peterson’s life-long connection to Arizona began when the State of Arizona was born, in 1912. As a three-year old girl she moved with her family to Bisbee, then a thriving mining town. The population of the entire state in 1912 was around 200,000. Tucson had 14,000 residents and Phoenix—now the fifth largest city in the United States—had a population of 11,000. The Mexican Revolution had begun two years earlier and Ms. Peterson recalls climbing the hills around Bisbee to watch the revolution take place on the other side of the border.

When Ms. Peterson launched her business in 1930, our country was at the threshold of the Great Depression and it was not long before her two business partners backed out of the venture. Ms. Peterson, however, did not give up. She stuck to it and not only survived, but thrived.

For nearly 80 years, Ms. Peterson’s merchandise and designs have been at the forefront of the fashion world. Her business has endured decades of ever-changing trends and economic ups and downs.

Today, Cele Peterson’s retail store is still going strong in Tucson. Her daughters are managing the business but Cele still comes to the store to greet customers and make sure that her tradition of great service is maintained. Over the years, Ms. Peterson has dressed an untold number of women from all walks of life. Among them are a host of well-known celebrities, such as Elizabeth Taylor and Lady Astor.

Ms. Peterson’s accomplishments go far beyond the realm of hems, pleats and necklines. She is a greatly admired and dynamic civic leader who has had a hand in the establishment of some Tucson’s finest community organizations. She helped found the Arizona Theatre Company, the Arizona Opera Company, the Tucson Children’s Museum and, perhaps most significantly, Casa de los Niños. Casa de los Niños’ mission is to support children and families to both prevent child abuse and treat children who are victims of abuse. When the unmet needs of abused children were brought to her attention, Ms. Peterson offered up a three-bedroom house so that the new organization could begin its work. When it opened in 1973, it was the first shelter of its kind in the country.

As Tucson celebrates the 100th birthday of Cele Peterson, it is worth noting that 2009 also marks the centennial of the birth of Wallace Stegner. This great writer of the American West once noted that “creation is a knack which is empowered by practice, and like almost any skill, it is lost if you don’t practice it.” Cele Peterson never stopped practicing her knack for creation and in the process she helped build a caring community. For all that she has done we owe her a tremendous debt of gratitude.

Thank you Cele for setting such a fine example of citizenship for all of us to follow. Happy Birthday to you!

SENDING THE WRONG MESSAGE ON HUMAN RIGHTS

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

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yesterday’s Washington Post highlighting Secre-
tary of State Clinton’s disappointing start on
human rights. In referencing some of her re-
cent comments, the editorial rightly notes,
“Ms. Clinton is doing a disservice to her own
department—and sending a message to rulers
around the world that their abuses won’t be
taken seriously by this U.S. administration.”
Secretary Clinton is sending the wrong mes-
sage on human rights.

[F]rom the Washington Post, Mar. 10, 2009
SOME FRIENDS
Secretary of State Hillary Rodham Clinton
continues to deviate from and undermine the
diplomatic tradition of human rights advo-
cacy. On her first foreign trip, to Asia, she
was dismissive about raising human rights
concerns with communist govern-
ment, saying “those issues can’t interfere”
with economic, security or environmental
matters. In last week’s visit to the Middle
East and Europe, she undercut the State De-
partment’s own reporting regarding two
problematic American allies: Egypt and Tur-
key.

According to State’s latest report on
Egypt, issued Feb. 25, “the government’s re-
spect for human rights remained poor” dur-
ing 2008, and serious abuses continued in
many areas.” It cited torture by security
forces and a decline in freedom of the press,
association and religion. Ms. Clinton was
asked about those conclusions during an
interview she gave to the al-Arabiya sat-
eellite network in Sharm el-Sheikh, Egypt.
Her reply contained no expression of concern
about the deteriorating situation. “We issue
these reports on every country,” she said.
“We hope that it will be taken in the spirit
in which it is offered, that we all have room
for improvement.”

Ms. Clinton was then asked whether there
would be any connection between the report
and a prospective invitation to President
Hoomi Mubarak to visit Washington. “It is
not in any way connected,” she replied, add-
ing: “I really consider President and Mrs.
Mubarak to be friends of my family. So I
hope to see him often here in Egypt and in
the United States.” Ms. Clinton’s words will
be treasured by al-Qaeda recruiters and anti-
American propagandists throughout the Mid-
dle East. Ms. Clinton is oblivious to how ex-
susive such statements are to the millions of
Egyptians who loathe Mr. Mubarak’s oppres-
sive government and blame the United
States for propping it up.

The new secretary of state delivered a
similar shock in Turkey to liberal supporters
of press freedom, now under siege by the gov-
ernment of Prime Minister Tayyip Erdogan.
According to the State Department
report, “senior government officials, includ-
ing Prime Minister Erdogan, made state-
ments during the year strongly criticizing
the press and media business figures, par-
ticularly following the publishing of reports
on allegations of linkage to the ruling party.”
That was an understatement: In fact, Mr.
Erdogan’s government has mounted an ugly
campaign against one of Turkey’s largest
media conglomerates, pre-
mounting an ugly campaign against one of
the ruling party.” That was an understatement:
Ms. Clinton is doing a disservice to her own
department—and sending a message to rulers
around the world that their abuses won’t be
taken seriously by this U.S. administration.

PERSONAL EXPLANATION
HON. THOMAS J. ROONEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009
Mr. ROONEY. Mr. Speaker, on rollcall No.
115, I was on the floor and voting, but due to
mechanical error, my vote was not recorded. I
would have voted “yes.”

MARY ELLEN ROZZELL
HON. SCOTT GARRETT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009
Mr. GARRETT of New Jersey. Madam
Speaker, I rise today to honor Mary Ellen
Rozzell, former President of the National As-
sociation of Professional Surplus Lines
Officers (NAPSLO), who passed away unexpectedly
March 3, 2009, while attending a NAPSLO
conference in Palm Springs, California.

Mary Ellen was a respected, beloved leader.
The President of Continental/Marmorstein &
Malone Insurance Agency in Paramus, New
Jersey, she began working in the insurance
business with the Marmorstein Agency some
forty years ago. Mary Ellen served as Presi-
dent of New Jersey Surplus Lines Association
(NJSCLA) from 1989–1990, and was named as
NJSCLA honoree of the year in 1992 due to her
outstanding contribution to the New Jersey
Surplus Lines Industry. She also served on the
New Jersey Insurance Commissioner’s
Producer Advisory Council, and with the Juve-
nile Diabetes Foundation.

Her warmth, openness, honesty and good
nature made everyone who met her feel im-
mediately comfortable. These qualities served
her very well in life, with family and friends,
and in her remarkable career where she rose
through the ranks by hard work and honesty.
She was always prepared for the trials of life
and business and the often difficult decisions
required by both. She embraced responsibility,
expected accountability and never failed those
who depended on her.

All who knew her benefited by her example.
Her family has established the Mary Ellen
Rozzell Foundation for AVM Research so that
friends and colleagues might contribute to
arteriovenous malformation research in Mary
Ellen’s name.

I extend my sympathy to her family and
to those close to her. She will be missed greatly
by everyone she touched.

TRIBUTE TO LLOYD SMITH
HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009
Mrs. EMERSON. Madam Speaker, I rise
today to commend and thank my Chief of
Staff, Lloyd Smith, for 28 years of service to
the Emerson family and to the Eighth Con-
gressional District. Since 1981, Lloyd has
served the people of Southern Missouri and
the institution of Congress. In the political
landscape of our state, he is a fixture. His
name is inseparable from the term of service
first of my late husband Bill Emerson in Con-
gress from 1981 to 1996 and then, from 1996
until now.

Lloyd has left the ranks of my staff from
time to time in order to give others the benefit
of his policy experience and political know-
how. Those lucky to enlist him have never
been the worse for it.

To my staff, Lloyd is their leader. He in-
spires them, rallies them, guides them and
motivates them. He brings out the best in
them, and though he shares in all of their suc-
cesses he freely gives them all of the credit.

Though he is important to many people
for many reasons, to me Lloyd is also a great
dear friend. I have long valued Lloyd’s stra-
egic mind, his intellect and his insight—which
true drive our congressional office. Lloyd
thinks in terms of big ideas, but he never ne-
glects the details. This combination of brave
creativity and studious diligence is rare, and
the easy smile and gentle charm of this man
from East Prairie, Missouri, belies the depth of
his dedication to the office.

And in thanking Lloyd for his years of serv-
ices, I must also express my deepest gratitude
to his wonderful wife, Marlys, and his three
amazing children, Trista, Sam and Tiffany.
They have made sacrifices, too, so their hus-
band and father could work the long, stressful
hours this job demands. They also share the
credit for Lloyd’s ability to stay positive and
optimistic, week after week, year after year,
decade after decade.

As he moves on to new challenges, I wish
Lloyd the very best of luck. I cannot quantify
the immense debt owed to him by Missouri’s
Eighth Congressional District, by this nation,
and by me for his faithful service. I commend
him to the U.S. House of Representatives
today, and I thank him for his friendship al-
ways.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY
HON. LEONARD LANCE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009
Mr. LANCE. Madam Speaker, I rise in honor
of National Women’s History Month, and I
would like to congratulate a number of out-
standing women who will be recognized at the
Somerset County’s Commission on the Status
of Women awards in New Jersey’s Seventh
Congressional District.

The Commission presents awards annually
in celebration of National Women’s History
Month in March. This year there are 17
women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year’s Social Services Award winner is Barbara Schlichting of Stockton. She has worked for Schwartz Treatment Services in Somerville for 32 years, first as a counselor, then as a supervisor, and now as executive director.

Barbara has worked with countless staff and clients to provide quality and meaningful services in the field of drug and alcohol counseling and psychiatric services.

She works tirelessly to secure grants for those with tremendous hardships and runs a successful agency that provides sometimes-difficult-to-find services. The agency’s many counselors over the years also have benefited from Barbara’s knowledge and dedication.

I am pleased to congratulate Barbara Schlichting for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

HONORING THE SAINT JOSEPH COUNTY CHAMBER OF COMMERCE’S 100TH ANNIVERSARY

HON. JOE DONELLY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. DONELLY of Indiana. Madam Speaker, today I rise to honor the Chamber of Commerce of St. Joseph County in celebration of its 100th anniversary.

The founding fathers of the Chamber of Commerce realized that as a business community their collective actions would have a much greater impact than those actions taken individually. In order to make their community stronger, both locally and nationally, they would need the business community engaged in all areas of commerce.

Today, the Chamber is immersed in all areas of business, education, and legislative affairs, and it continues to deeply involve itself in the community at large. This is critical to Saint Joseph County residents today, since cities across the land are facing profound issues such as unemployment, budget cuts, and an increase in school drop-out rates.

As a response to these challenges, the Chambers of Commerce across the country have taken on far more active roles within their communities. While still involved in the important networking events that encourage collaboration between the current and future generations of business professionals, the Chamber’s role has become far more participatory in the critical issues facing our community. To this effect, the Chamber is partnering with the South Bend Community School Corporation and government officials, as well as with business and community leaders, to lead the school system in a new, dynamic direction.

Two years ago, The Chamber formed the Business Growth Initiative, which proactively addresses and resolves key issues that will help business services grow and expand in the city of South Bend. Also, the chamber recognized the need to retain and attract young professionals in our community. The Young Professionals Network (YPN) was created to help address key issues for young professionals living in and relocating to the area.

Many programs have been initiated and conducted with the Chamber taking the lead role, such as the Manufacturing Summit, which addressed the issue of education and the development of a workforce that is technologically advanced; Green Community initia-tives, an entrepreneurial forum; and the South Bend/Mishawaka Convention and Visitors Bureau.

Whether it is an issue of advanced business, community, or education, the Chamber is prepared to make a difference now and for the next 100 years. They continue to advance their community and help its citizens make a difference by allowing their voices to be heard. Consequently, I salute the Chamber of Commerce of St. Joseph County on its 100th anniversary and wish them continued success.

HONORING THE 150TH ANNIVERSARY OF THE SILVER SPRINGS-MARTIN LUTHER SCHOOL

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Silver Springs-Martin Luther School on its 150th Anniversary and to recognize the tremendous dedication of staff, administrators, Board of Trustees and supporters of this outstanding facility.

Founded in 1859 in Philadelphia with just one dollar and gritty determination to serve orphaned children, the 36-acre campus in Plymouth Meeting, Montgomery County provides a home, treatment, education and a variety of services to very special, traumatized children and their families.

The extremely dedicated and talented staff at Silver Springs-Martin Luther School, combined with the excellent foster family care, special education school and family resource services, help so many wonderful children overcome the steep challenges they face in their early years.

Madam Speaker, I ask that my colleagues join me today in recognizing the Silver Springs-Martin Luther School for reaching this extraordinary milestone and in commending the exemplary efforts of the staff, administrators, Board of Trustees and supporters in providing a nurturing and healing environment so that children facing long odds can achieve their full potential.

HONORING THE 100TH ANNIVERSARY OF THE YOUNG PROFESSIONALS NETWORK (YPN)

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise to honor the memory of a dear friend and one of Connecticut’s most dynamic and charismatic leaders. He was known universally as Mayor Mike. A great light left us when Michael J. Peters passed away on January 4, 2009. His engaging personality, his great sense of humor and his devotion to his city, his friends and his family, will forever endure.

I was fortunate to know him and to be a direct beneficiary of his friendship and loyalty. I was equally honored to be at his funeral surrounded by friends, family and dignitaries, but it was through the remembrance of Geraldine and his son Chris that the essence of this great and beloved man was captured. Madam Speaker, I submit to the record of this great Nation these eulogies of Mayor Mike Peters of Hartford, Connecticut, a great American and a great example of devotion and service above self, done with a smile.

EULOGY GIVEN BY CHRIS PETERS

Good morning. I would first like to say on behalf of my mother, my brother, my sister and my entire extended family thank you so much for such a genuine and unbelievable outpour of support over the last several weeks. Your prayers and well wishes helped us all get through this difficult time.

My father was an example to us children of what hard work is and what it takes to raise a family. For most of our childhood my dad worked two jobs to support our family and to give us a roof over our heads. His main and most notable career was as a firefighter but with the schedule being as it was for a firefighter he had days off that allowed him to bring in additional income. One such job was delivering oil for John McCarthy Oil. Although it was against the oil company’s policy, my father would often bring me on deliveries with him and he would let me hold the nozzle as we filled the tanks at people’s homes. I remember once the tank had overflowed and I was sprayed from head to toe with fuel... that was the end of that. I think he realized at that point why there was such a policy but because he worked so often, any chance he had to hang out with us he took advantage of, even if it just meant bringing me to work and dousing me in a highly flammable liquid.

Having a firefighter as a father was such a cool thing as a kid. It’s most kids’ dream to be a firefighter when they grow up and having him work at Engine 15 right up the street from where we grew up; I was able to show off to the time. Being able to see the firehouse and look at the trucks and watch him slide down the pole. He gave us so much to be proud of way before he ever became the Mayor.

He was an umpire for our little league in the south end (he had a very tight strike zone by the way) and was instrumental in organizing fund raisers for the league and helped shape my love for baseball by making sure my brother David and I was Yankee fans at a very early age. I’ve been told (mostly by my mother) that he was quite the ball player when he was younger. I think he was proud of my 4 year career in the McGlynn Craggs little league and he was happy to get me out of David, who by the way, was much better than I. Watching a Yankee game with him on a warm summer night, windows open and a warm summer breeze blowing in, is something my brother and I will sorely miss.

His bond with my sister Michelle was something very special between a daughter and her father. In high school, Michelle did what a lot of young teenage girls do; she gave our father a lot of grey hairs. Although we jokes about the trouble Michelle got into, the truth was she wasn’t all that bad. I look back on it, it was more the concern my father had for her and the love he felt for his only daughter. Those years of rebellion have shaped a very special bond between the two of them. My father’s love and commitment to making sure he showed her the way...
helped shape Michelle into the incredible person she is. A fantastic mother whose children will most certainly miss their Gampy.

As my brother and sister and I got older my father transferred into something different. He became our friend, someone you could talk anything to. He was my best friend, the person you wanted to do things with. He was a game, something to drive around the city and talk about anything.

He married his high school sweetheart Jeannette and if you’re not familiar with their relationship I can tell you theirs is one of true love and dedication. My mother spent every day in the hospital over the last 3 months as my father has said “too much to sit with him and root him on. She is truly a Saint who lost her true love. My heart will forever be broken for her."

Most of you here today know how he lived. Vibrant, larger than life, caring, loving and concerned for anyone who needed help. He loved to laugh and make people laugh. He had an incredible ability to find the positive in any situation. Always optimistic with a heart bigger than the city. He kept his home number listed after he became the Mayor. To call and tell all kinds of stories. He would answer all hours of the day and night and he would always return the call. No matter how strange the request around the neighborhood. For so, he got a call from a woman on Yale St. whose cat was stuck in a tree, she knew my dad was a firefighter and begged him to call the fire department and get them to her house to retrieve her cat from the tree. My father calmed her down from the comfort of his bed, told her the fire department doesn’t really respond to that sort of thing and she should go to bed and that her cat will come down on its own and then he asked her “by the way, have you ever seen the skeleton of a cat in a tree before?&quot; She well taken surprised enough he called her back the next morning and her cat was ok. This is how he lived, finding humor in situations, compassionate towards the needs of others no matter how extraordinary the request. This is how he lived, with a smile on his face and love in his heart. Now I would like to tell you a little bit about how he died. (adlibbed)

I want you all to know that my father died peacefully this past Sunday surrounded by his family. Where and how he died gave him great comfort. We believe he is in a better place now, no longer suffering.

Over the last few days many people have been telling me how sorry they are about my father’s passing but I’m deeply sorry for all of you as well. I feel like we are all in the same boat. Not only did my family lose a father, grandfather, brother, uncle, husband but we all lost a true champion, a best friend and a confidant. The pain in my heart is no greater than yours. I know this because he meant to so many and together we will all heal by remembering him as he was. Happy-go-lucky Mike.

His legacy should be carried out by supporting Hartford, eating in its restaurants (hint, hint . . . plug) and getting involved, seeing something that’s wrong and doing something about it. He always said no matter if you look to so many and together we will all heal by remembering him as he was.

HAPPY-GO-LUCKY MIKE.

Eulogy Given by Geraldine Sullivan

There were two princes born on Nov. 14, 1948. Prince Charles and our prince. Michael Paul was a son of Paul and Paul. Michael, Paula, Eleanor, Robert and I were raised in an apartment down the street, at 189 Campfield Avenue, surrounded by a loving, extended family. This is the neighborhood where my grandfather owned a tailor shop, where we attended church before the neighborhood was diverse, and where my parents instilled values in each of us that would carry throughout our lives: the importance of family, respect, compassion, the power of everyone’s limited resources, envy was not tolerated. Ultimately, my brother Michael exemplified these values better than any of us, even though he had his own unique way of showing it.

At a young age Mike was able to come up with creative solutions to his most difficult problems. I remember when Michael first entered kindergarten at Naylor School. His parents’ friends soon learned of this, so when Mike was especially obvious over the last three months. She was there with him, by his side . . . holding his hand . . . praying with him. In the last few weeks, when he couldn’t speak, his eyes would search the room looking for her, and he only found peace and comfort when he found her. They’re the perfect love story and she remained by his side until his last moment. Jeannette, we love you and thank you for making our brother so happy.

IN RECOGNITION OF MR. JOHN L. HELGERSON ON THE OCCASION OF HIS RETIREMENT AFTER 37 YEARS OF DISTINGUISHED PUBLIC SERVICE

HON. SILVESTRE REYES

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. REYES. Madam Speaker, I rise today to pay tribute to a man of great integrity and an unerring sense of humor, Mr. John Helgerson, on the occasion of his retirement after 37 distinguished years in the Intelligence Community.

During the last seven years as CIA Inspector General, John has demonstrated the unflagging courage, sense of fairness and independence – qualities that Congress envisioned when it created the position of Inspector General. Under his leadership, the Office of the Inspector General grappled with some of the thorniest issues in the Intelligence Community. John is one of those rare few individuals who is always willing to speak truth to power.

Prior to working for him he is to share his stories, family and community groups resulted in tremendous improvements in the quality of public housing in Hartford.

There are countless stories about Mike’s childhood, his days as a fireman, and of course, as mayor of Hartford. The best way to tell these stories is to share them often, and live by these same attributes that defined my brother: love of family, respect for all, and compassion towards others. One of his favorite sayings was, “you don’t have the biggest house on the block by tearing everyone else’s house down”. Michael could not stand seeing people treated unfairly, and at times he took on unpopular political battles to correct what he felt was wrong. To continue his legacy, have the courage to stand up against injustice and work together to make Hartford, this city that Mike loved with his heart and soul, a place where all people are treated with dignity and respect.

In closing, I’d like to take a minute to say something, on behalf of my entire family about the love of Mike’s life, our sister Jeannette. They met in high school and were married a few years later. They met. Although he loved to go out and be social, while she was content sitting home and reading. However, they had deep love and respect for one another. Jeannette has always been the light of my brother’s life. Her unwavering devotion to him was especially obvious over the last three months. She was there with him, by his side . . . holding his hand . . . praying with him. In the last few weeks, when he couldn’t speak, his eyes would search the room looking for her, and he only found peace and comfort when he found her. They’re the perfect love story and she remained by his side until his last moment. Jeannette, we love you and thank you for making our brother so happy.

E638 CONGRESSIONAL RECORD — Extensions of Remarks March 11, 2009
In his retirement announcement, John noted that the country's first Inspector General was appointed by General George Washington to be the "eyes, ears, and conscience of the commander." We are truly fortunate that CIA, and the Intelligence Community as a whole, had John's ears, and conscience throughout his career. We will miss his intelligence, insight and honesty.

As Chairman of the Intelligence Committee, I have come to trust and rely on John's good judgment in a variety of sensitive situations. I thank him for working with me to ensure that his office and my committee maintained a professional, productive relationship. I wish him continued success in all of his future endeavors.

EARMARK DECLARATION

HON. DENNY REHBERG
OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. REHBERG. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105
The Account: DOJ—COPS Law Enforcement Technology Account
Project: Missoula Public Safety Operations and Training Center
Amount: $750,000
Description: The entity to receive funding for this project is the City of Missoula at 200 West Broadway, Missoula, MT 59802. Funding would be used in development and construction of a multi-use facility for local law enforcement, fire, and public health agencies.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105
The Account: Impact Aid
Project: Heart Butte School District
Amount: $91,000
Description: The entity to receive funding for this project is Heart Butte School District located at Heart Butte School Road in Heart Butte, MT 59448. Impact Aid is a program designed to ensure military children, children residing on Indian lands, and children residing on federally-owned low rent housing facilities receive a quality education by helping school districts, which have lost tax revenue as a result of the federal presence in their district.

EARMARK DECLARATION

HON. WALLY HERGER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. HERGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009: DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Animal and Plant Health Inspection Service, Salaries and Expenses
Legal Name of Requesting Entity: California Department of Food and Agriculture
Address of Requesting Entity: 1220 N Street, Sacramento, CA 95814
Description of Request: Provide an earmark of $581,000 in order to augment local and state contributions to the California County Pest Detection Augmentation Program, and would be used to establish dog teams at strategic locations throughout California. The dog, its handler, and support staff would perform inspection and investigation of incoming shipments, as well as the evaluation of the potential for broad infestation. The California County Pest Detection Augmentation Program is a locally-determined inspection program that focuses on agricultural and plant material entering the state at its various points of entry.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Animal and Plant Health Inspection Service, Salaries and Expenses
Legal Name of Requesting Entity: California Department of Food and Agriculture
Address of Requesting Entity: 1220 N Street, Sacramento, CA 95814
Description of Request: Provide an earmark of $693,000 to help local and state officials detect dozens of threatening pest species, which if left unchecked, could result in an enormously costly and damaging agricultural infestation. Facilitating a vibrant trade in agricultural commodities is good for American farmers and consumers alike. But to maintain food security for the nation and to protect California’s natural environment from infestation by invasive species, prudent investments in pest detection at all levels of government must continue.

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACTS 2009

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Army Corps of Engineers, General Investigations
Legal Name of Requesting Entity: Reclamation District 2140
Address of Requesting Entity: PO Box 758, Hamilton City, CA 95951
Description of Request: Provide an earmark of $832,000 to enable the Corps to complete Preconstruction Engineering and Design (PED) for this ecosystem restoration and flood control project. The Hamilton City, CA flood damage restoration and ecosystem restoration project (P.L. 110–114, Sec. 1001(B)) will provide significantly enhanced flood protection to 2,600 area residents and nearby agricultural lands, and will restore approximately 190 acres of riparian habitat along the Sacramento River. Of the total cost ($3,359,000), $840,000 will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Army Corps of Engineers, General Investigations
Legal Name of Requesting Entity: Reclamation District 2140
Address of Requesting Entity: PO Box 758, Hamilton City, CA 95951
Description of Request: Provide an earmark of $832,000 to enable the Corps to complete Preconstruction Engineering and Design (PED) for this ecosystem restoration and flood control project. The Hamilton City, CA flood damage restoration and ecosystem restoration project (P.L. 110–114, Sec. 1001(B)) will provide significantly enhanced flood protection to 2,600 area residents and nearby agricultural lands, and will restore approximately 190 acres of riparian habitat along the Sacramento River. Of the total cost ($3,359,000), $840,000 will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Army Corps of Engineers, Construction General
Legal Name of Requesting Entity: State of California, Department of Water Resources
Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814
Description of Request: Provide an earmark of $669,000 to enable the Corps to complete the Sutter feasibility study and allow state and local interests to initiate corrective work identified by the Corps’ study using state and local funds. The non-federal share of the total project cost (estimated $8,258,000) is estimated to be $4,589,000.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Army Corps of Engineers, Construction General
Legal Name of Requesting Entity: State of California, Department of Water Resources
Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814
Description of Request: Provide an earmark of $1,914,000 to be coupled with dedicated State of California funds and enable the Corps of Engineers to complete the project’s Limited Reevaluation Report and continue construction and mitigation work for this flood protection effort. This important project includes levee repairs and reconstruction of the Sacramento and Feather Rivers, specifically consisting of installation of landslide berms with toe drains, ditch relocation, embankment modification, and slurry cut-off walls to address seepage and levee boil issues which threaten the performance of flood control structures that protect close to $100 million worth of public infrastructure and private property.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Army Corps of Engineers, Construction General
Legal Name of Requesting Entity: State of California, Department of Water Resources
Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814
Description of Request: Provide an earmark of $22,967,000 for the Sacramento River Bank Protection Project. This project is located within the limits of the existing Sacramento River Flood Control Project (SRFCP) in Northern California. The integrity of various sections of Sacramento River and tributary levees has become seriously eroded, so much so that the State of California issued a statewide emergency declaration to address the levee deficiencies. Much progress has been made to correct the system’s weak points, due to support from Congress, the Administration, and the State of California. Additional federal and state funding is required to continue corrective work throughout the Sacramento River system. $163,000,000 of the total project cost ($510,700,000) will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER
Bill Number: H.R. 1105
Account: Army Corps of Engineers, Construction General
Legal Name of Requesting Entity: Glenn-Colusa Irrigation District
Address of Requesting Entity: 455 Capitol Mall, Suite 335, Sacramento, CA 95814
Description of Request: Provide an earmark of $4,000,000 for additional screening of large agricultural diversions. Section 3406 (b)(21) of the Central Valley Project Improvement Act (P.L. 102–575) requires the Bureau of Reclamation to screen major water diversions through the screening of major water diversions throughout the CVP system. USBR and its local partners have achieved considerable accomplishments under this program in recent years. The Meridian Farms Water Company and the Natomas Mutual Water Company in Northern California are each working to consolidate and screen major water diversion facilities on the Sacramento River in order to preserve reliable water supplies for agriculture and managed wetlands and remain in compliance with the federal Endangered Species Act.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Bureau of Reclamation, Water and Related Resources
Legal Name of Requesting Entity: Northern California Water Association
Address of Requesting Entity: 500 Oregon Street, Willows, CA 95988
Description of Request: Provide an earmark of $8,000,000 for flood protection for any community in California’s Central Valley. This legislation also provides the Fort Worth Transportation Authority on its creation with over 55% support.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Bureau of Reclamation, Water and Related Resources
Legal Name of Requesting Entity: Central Valley Project, Sacramento River Division
Address of Requesting Entity: 1220 F Street, Marysville, CA 95901
Description of Request: Provide an earmark of $22,000,000 for local investments for the Sacramento Valley Integrated Plan in order to seek a better understanding of the process for groundwater recharge and production from the main aquifer system. USBR and local partners have been working for the Red Bluff Diversion Dam to ensure reliable and sufficient local water deliveries for 120,000 acres of mostly small and mid-sized farms, and will greatly complement other restoration projects throughout the CVP aimed at improving anadromous fish populations. Funding is also provided for the Hamilton city pumping plant and other programmatic purposes.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105
Account: Bureau of Reclamation, Water and Related Resources
Legal Name of Requesting Entity: Family Water Alliance
Address of Requesting Entity: PO Box 365, Maxwell, CA 95955
Description of Request: Provide an earmark of $2,000,000 to facilitate the screening of small water diversions (fewer than 100 cubic feet per second) throughout the Sacramento Valley. Section 103(d)(6)(iii) of the Water Supply, Reliability, and Environmental Improvement Act (P.L. 108–361) authorizes the Secretary to participate in fish screen and fish passage improvement projects as part of the larger restoration program established under the CALFED program.

Requesting Member: Congressman WALLY HERGER

CONGRATULATING THE FORT WORTH TRANSPORTATION AUTHORITY ON THEIR 25TH ANNIVERSARY

HON. MICHAEL C. BURGESS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Fort Worth Transportation Authority, who celebrated their Silver Anniversary in November. This outstanding group of people has made Fort Worth a leader in Texas transportation.

The “T”, as it is commonly known, was officially formed on November 8, 1983, when Fort Worth voters approved its passage referendum on its creation with over 55% support.

Over the years, service was extended to nearby townships. In 1991, Lake Worth joined The “T”, and in 1992, Blue Mound and Richland Hills joined. In 2001, the Trinity Railway Express (TRE), a joint effort with DART of Dallas, connected the two cities, allowing riders to travel the 35 miles from one downtown to the other on a single train, and also connecting the two cities to DFW International Airport. The TRE is currently the tenth-most ridden commuter rail in the country with nearly 9 million annual passenger trips.

The “T” provides a carpool and vanpool service, allowing people who live close to one another to reduce the cost, exhaust emissions, of their daily commutes. Finally, it operates a Mobility Impaired Transportation Service, which provides vehicles, drivers, and passenger assistance to those who require it.

With the completion of the Intermodal Transportation Center (ITC) in Fort Worth, the city has provided the downtown connection between bus service, the TRE, and Amtrak and an instrumental resource to the thriving business core of Fort Worth. Future plans for new Commuter rail for Southwest and Northeast Tarrant Counties will further connect participating cities with DFW project. The city also is reducing congestion in communities such as Arlington and the explosive growth found in communities in the Alliance area provides further
support to The "T" in providing additional commuter rail routes and other transit solutions. Again, I commend The "T" for its leadership in improving public transportation in and around Fort Worth. I am proud to represent its management and employees in the 26th District of Texas, and I wish them continued success with local and regional transportation solutions over the next quarter century as they transform Fort Worth into a worldwide leader in comprehensive public transportation.

PERSONAL EXPLANATION
HON. ADAM H. PUTNAM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker, on Monday, March 9, 2009, and Tuesday, March 10, 2009, I was not present for 6 recorded votes. Please let the record show that had I been present, I would have voted the following way: Roll No. 110—"yea"; Roll No. 111—"yea"; Roll No. 112—"yea"; Roll No. 113—"nay"; Roll No. 114—"yea"; and Roll No. 115—"yea".

HON. SHEILA JACKSON-LEE
OF TEXAS

IN RECOGNITION OF THE LIFE AND LEGACY OF MILLARD FULLER

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the life and legacy of Mr. Millard Fuller, and his steadfast service in giving back to the world.

Mr. Fuller was born in Lanett, Alabama. As many folks know, he dedicated his life to serving others through his Christian housing ministry, Habitat for Humanity, which built 200,000 homes in 100 countries, and later The Fuller Center for Housing. In recognition of his lifelong service, in 1996, Mr. Fuller was awarded the Presidential Medal of Freedom by President Clinton.

Mr. Fuller passed away on February 3rd 2009, at the age of 74. On March 14, 2009, a celebration of his life will be held at Ebenezer Baptist Church in Atlanta, Georgia.

I am honored to recognize this inspirational philanthropist who spent his lifetime helping others in need. It is my hope his memory will serve as an example of how we all should serve to The "T" in providing additional commuter rail routes and other transit solutions.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 10, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 837, the "Ronald H. Brown United States Mission to the United Nations Building." I would like to thank my colleague CHARLIE RANGEL for introducing this legislation. H.R. 837 moves to designate the federal building at 799 United Nations Plaza in New York as the Ronald H. Brown United States Mission to the United Nations Building.

Former United States Secretary of Commerce under President Clinton, Ronald Brown, has always been a dedicated U.S. servant. Born in Washington, D.C., he quickly showed an interest in public service, as a young man he was a member of the African-American social and philanthropic organization. Brown also worked for the Jack and Jill foundation, an organization that works to help children to have cultural opportunities, develop leadership skills, and form social networks even in a segregated society.

Having not only a passion for public service Brown had a strong desire to serve his country as well. In 1962 upon graduation of Middlebury College he enlisted in the army, where he served in Korea and Europe.

Upon being discharged Brown joined the National Urban League, an organization that aims at advocating on behalf of African Americans and against racial discrimination in the United States. He would excel within the organization where he moved all the way up to Deputy Executive Director for Programs and Governmental Affairs. Following his service with the National Urban League, he immediately began fighting for another great American public servant, EDWARD M. KENNEDY. Brown served as campaign manager for the now second most senior member of the United States Senate.

After running KENNEDY's successful Senate campaign, Brown began a string of political occupations that include lobbying for the law firm Patton, Boggs & Blow, Head of the Jesse Jackson convention team for the Democratic National Convention in Atlanta. Finally Brown was elected chairman of the Democratic National Committee in February of 1989. Tragically, on April 3, 1996 on an official trade mission, his plane carrying him and 34 other passengers struck a mountain while attempting a procedural landing.

Ronald H. Brown was a man that dedicated his entire life to bettering the lives of others. Whether it be young African Americans in New York, fighting for the freedom of all Americans in some of the worlds most dangerous battlefields, or working day in and out to help promote and excel the careers of others whose ideals and policies he believed would better the nation. Brown's is a story that deserves to be recognized everyday. I feel designing a building in his name is the perfect way to recognize this American public servant. This building will stand long after generations have gone and will hopefully remind all generations to come, that a dedicated spirit...
Mr. Speaker, I urge my colleagues to support H.R. 837, designating the federal building at 799 United Nations Plaza in New York as the “Ronald H. Brown United States Mission to the United Nations Building”. To recognize a great American man who devoted his life to the betterment of his country.

HONORING THE LIFE AND ACHIEVEMENTS OF JAMES “J.” RALPH LUNDY

HON. ALCEE L. HASTINGS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and achievements of long-time Indian River County civic leader and humanitarian, James “J.” Ralph Lundy, who died on February 27 at the age of 90. During this most difficult time, I want to extend my thoughts and prayers to his family. I hope that Mr. Lundy’s family takes comfort in knowing that his memory and legacy of philanthropy will live on within the Gifford community and in Indian River County for generations to come. Mr. Lundy always put others first, and extended a helping hand to all those in need.

Mr. Lundy first came to Indian River County in the 1950s as a reporter for the Jacksonville Journal to cover Dodgers baseball legend Jackie Robinson. Later, he became production manager at the Press Journal where he wrote a column about the community for the paper. In 1963, Mr. Lundy started the community radio show entitled, “Gospel Caravan,” one of the longest-running gospel music programs in Florida, and later created the program “Give them their flowers,” as a way to honor lesser-known community leaders before they died.

Mr. Lundy’s love for the Gifford community and activism earned him the title “Gifford’s spokesman.” He spent about 30 years as president of the Gifford Progressive Civic League, and in that time, made significant contributions to the lives of the people of Gifford. Mr. Lundy pushed county officials to install traffic lights to increase public safety, established a voting precinct and the Gifford Community Center to bolster community pride, and brought clean water to Gifford to improve its residents’ health. In 1988, he helped establish Our Father’s Table Soup Kitchen to provide meals for the community’s most needy.

In 2007, Mr. Lundy won the Jefferson Award, a national award that recognizes individual public service contributions.

Madam Speaker, through all of these roles, J. Ralph Lundy had an indelible impact on the spirit and well-being of his community, and touched the lives of many in Indian River County. He will be remembered for his heart, compassion, and dedication to his fellow man. I am fortunate to have known him and will miss him dearly.

Mr. Speaker, I submit my appropriation funding requests in March, 2008, the problems plaguing our Nation and America’s banks have just started to come to light. Few could foresee just how bad our economic situation would become. While I strongly opposed the action, the previous Congress spent over $700 billion in TARP funding to bailout the banking sector. This Congress just approved a nearly $800 billion stimulus bill that ultimately provides more money for social services than it does for job producing highway and infrastructure projects.

Overall, President Obama’s spending priorities have more than tripled the federal budget deficit for fiscal year 2009 (FY09), ballooning it to $1.7 trillion. As a result, the state of our nation’s finances is dire, and our federal spending plan does not in any way bear an appropriate relationship to the state of our nation’s economy. The federal deficit has increased 385% over FY08 and 1089% over FY07 levels. Spending decisions are occurring within this body without regard to available revenue or the harm that such irresponsible fiscal policies do to the economy and to future generations that, ultimately, will get stuck with the bill.

I am highly disappointed that, faced with the enormity of the current federal deficit and the unprecedented amount of federal spending that has occurred, the House and Senate Leadership and Appropriators did not take the opportunity to start showing fiscal restraint by removing Congressional Earnmarks from the fiscal year 2009 Omnibus Appropriations Act. When I made the below mentioned requests last year for projects in my Congressional district I believed they would provide necessary benefits to the local community and had a federal interest. I believed they were worthy of the limited federal funds they were available. That time, however, has passed. Member’s need to think of the future of this Nation, rise above their own self-interests, and advocate for the removal of all earmarks from all present and future appropriations bills until we get the federal deficit under control.

Congressional Appropriation project requests I made in 2008 in the H.R. 1105, FY 2009 Omnibus Appropriations Act included:

- SAN LUIS REY RIVER

  The bill includes funding through the Energy and Water Appropriations Subcommittee for the San Luis Rey Flood Protection Project, which includes the clearing of vegetation from the San Luis Rey River to protect the levee, the city of Oceanside’s bridges, utilities, and public from threatened flooding. It is an authorized project and has received funding in previous Congresses.

- SANTA MARGARITA RIVER CONJUNCTIVE USE PROJECT

  The bill includes funding through the Energy and Water Appropriations Subcommittee for the San Luis Rey District Flood Protection Project, which includes the clearing of vegetation from the San Luis Rey River to protect the levee, the city of Oceanside’s bridges, utilities, and public from threatened flooding. It is an authorized project and has received funding in previous Congresses.

- RIVERSIDE COUNTY SAMP, CA

  Recognizing the interdependence between the area’s future transportation, habitat, open space and land-use/housing needs, Riverside County, working with the U.S. Army Corps of Engineers, has undertaken a Special Area Management Plan (SAMP) for the San Jacinto & Upper Santa Margarita watersheds to determine how best to balance the factors for the future benefit of the area. To that end, in 2003, the County adopted a new General Plan and Multi-Species Habitat Conservation Plan (MSHCP) to address regional conservation
and development plans that protect entire communities of native plants and animals, while streamlining the process for compatible economic development in other areas. When the SAMP is completed, the Corps will establish an abbreviated or expedited regulatory permitting process under Section 404 of the Clean Water Act, and implement the Master Streambed Alteration Agreement the California Department of Fish and Game is currently preparing. Altogether, these new processes will allow for increased planning and smart development that will benefit the region well into the future.

Oceanside Community Safety Partnership Collaborative—Gang Prevention Program City of Oceanside, CA

The bill includes funding for this program through the Commerce, Justice, Science Appropriations Subcommittee. The goal of the Oceanside Community Safety Partnership Collaborative (OCSPC) is to provide intense intervention to divert youths away from gang membership. The second component of the program is the North County Lifeline, another local service provider, for vocational and educational services when needed.

Lake Elsinore Emergency Operations Center—City of Lake Elsinore, California

The bill includes funding for this project through the Commerce, Justice, Science Appropriations Subcommittee. The funds will be used to equip a new Emergency Operations Center (EOC) in Lake Elsinore. The City of Lake Elsinore provides a unique service to the entirety of southern California because of the lake and the city’s central location. During the recent wildfires, for instance, the City and lake served as the base for Hawaii-Mars water tankers which were used to fight fires throughout the entire region. The proposed EOC, which is set to be housed in a secure location within the police headquarters, will be used to manage the lake as an emergency resource as well as to provide the City and surrounding community with a base of operations during any emergency.

Regional Communications System Upgrade—County of San Diego, Sheriff’s Department

The Sheriff’s continued vision is to increase and improve data sharing, automate officer alerts and notifications, improve disaster preparedness, and deliver of more intelligence to officers and first-responders. The Sheriff’s Department, as well as assistance from federal and local agencies has, over several years, undertaken technology projects targeting this vision. These enhancements provide law enforcement with rapid access to critical information and knowledge with less human intervention producing quicker results with greater accuracy.

This phase of the SDLaw Infrastructure Program will expand the search and aggregation of intelligence from even more data repositories, add additional business logic, further automate data mapping and workflow, further improving visualization of the information resulting from the convergence of data from State, Local, and Federal systems and now with the inclusion of County justice case management systems.

West Vista Way

The bill includes funding for this project through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee. This project will enhance the development and traffic flow along West Vista Way and reduce congestion on State Route 78. The project includes approximately 2 miles of road widening (including right-of-way acquisitions), utility undergrounding, drainage and sewer upgrades. The project also includes intersection signalization, bus stops and other transit facilities, including Park-And-Ride lots, pedestrian and bicycle facilities, and a safety barrier between the adjacent freeway and the street. The project limits extend from Mehlrose Drive on the east to Thunder Drive on the west, at the boundary with the city of Oceanside.

Railroad Canyon/Interstate 15 Interchange

The bill includes funding for this project through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee. The funding would be used for right-of-way acquisition for an improved interchange on Interstate 15 at Railroad Canyon. Railroad Road serves as a connector route between I-15 and I-215 in Southwest Riverside County. The current interchange with I-15 serves approximately 50,000 vehicles per day and in its current condition, during peak hours of travel, vehicles are backed onto the freeway mainline in both the north and southbound directions. The level of service at the intersections adjacent to this interchange is rated Service-F.

French Valley Airport

The bill includes funding through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee for a feasibility study for the French Valley Airport to determine the necessary improvements and viability of an expansion of the airport to ensure safety of the neighboring communities. The project will review and analyze the feasibility of the airport to accommodate large, private jets. This will greatly enhance the region’s economic development and tourism opportunities.

Miracosta College Foundation

The bill includes funding through the Labor, Health and Human Services, Education Subcommittees for the College Foundation located in the 49th Congressional District in Vista, California. Miracosta College is developing a national model project to meet the educational needs of both active-duty and exiting Navy corpsmen and army medics. The project creates military-specific assessment and instructional tools that will acknowledge that service members’ military training while preparing them to meet state licensing requirements to enter the civilian nursing field. This unique project helps fill a national nursing shortage need and helps transitioning military personnel to find high-paying, skilled civilian employment.

Vista Community Clinic

The bill includes funding through the Labor, Health and Human Services, Education Subcommittee for the Vista Community Clinic located in the 49th Congressional District in Vista, California. Due to increased demand, Vista Community Clinic is constructing a new 12,000 square foot community health center facility providing obstetrics, pediatrics, family and internal medicine, pharmacy, health education to low-income, uninsured residents of North San Diego County. This new site will serve 16,000 patients in 50,000 medical visits annually. Ninety-five percent of Vista Community Clinic patients have an income qualifying them as low to moderate income by federal standards, making no more than $44,000 annually for a family of four. Nearly 50% of Vista Community Clinic patients are children who do not have any form of health insurance. Given that one in every 19 people living in the United States now relies on a U.S. Department of Health and Human Services Administration funded clinic for primary care, this funding for construction and equipment purchases is critical to providing increasing access and expanding health services.

tribute to Jaroslav Duzyj

Hon. Sander M. Levin

of Michigan

In the House of Representatives

Wednesday, March 11, 2009

Mr. LEVIN. Madam Speaker, I rise today to pay tribute to the life of an important community leader and a good friend, Duzyj, who passed away on Wednesday, March 4, 2009 after a long battle with Parkinson’s disease.

Mr. Duzyj was a leader of a very strong and vibrant Ukrainian community in Michigan, and was a founding member of the Ukrainian Cultural Center in Warren, Michigan. He was born in 1923 in Peremysl, Ukraine and was one of 10 children. At the age of 19 he was arrested by the Nazis and sentenced to death. Miraculously, he survived five Nazi concentration camps before being liberated on April 15, 1945.

Mr. Duzyj immigrated to the United States in 1949 with little money and limited ability to speak English. He found work at Ford Motor Company and began establishing strong roots in the community. He married his beloved wife, Olga and they went on to raise three children, and now have seven grandchildren.

Throughout his life he continuously worked to promote Ukrainian causes and also display his love for America. His passion and unwavering dedication allowed him to participate in several unique and prestigious events. In 1991, he was invited to a personal audience with Pope John Paul II, and on his 70th birthday he received the Pro Ecclesia et Pontifice medal from the Pope. He also had the distinct honor to meet with two sitting U.S. Presidents. In 1984, as former president of the Ukrainian-American Republican Association, he chaired a reception for President Ronald Reagan at the Ukrainian Cultural Center, and was a guest of President Bill Clinton at a state dinner honoring the president of the Ukraine.

Mr. Duzyj also experienced personal success as a business owner, as he became co-owner and president of Cyletron, which made high-precision parts for rocket and aircraft engines. In 1992 he started a company called Envotech Systems, which builds mobile laboratories for the detection and control of water contamination. In 1995, he became a partner in Crocus Co. in Ukraine, a company that manufactured road building machinery. In 1996, Michigan Governor John
Engler named him to Michigan's Bilateral Trade Team to the Ukraine.

Mr. Duzyj cared deeply about higher education. He and Olga donated $100,000 to establish a fund at Harvard University to enable the Ukrainian Institute to publish significant works on and about the history of the Ukraine. He also published several books about Ukrainian history, geography, and the Ukrainian genocide of 1932–33. In 2005 he was honored as Ukrainian of the Year by the Ukrainian Graduates of Detroit and Windsor for the role he played in the business community, with higher education and his church.

The experiences Mr. Duzyj endured early in life and the triumphs and selflessness he displayed through his entire life are truly inspirational. Mr. Duzyj is a shining example of what the American success story is all about. Today, I join with Mr. Duzyj's family, friends and the extended family of the Ukrainian community, in both mourning his loss, celebrating his life and honoring him for all the good work he did for others.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed one recorded vote on the House floor on Wednesday, February 25, 2009. Had I been present, I would have voted "aye" on Rocolic vote No. 84 (On Ordering the Previous Question to H. Res. 184).

TRIBUTE TO NEW MOUNT MORIAH INTERNATIONAL CHURCH

HON. GARY C. PETERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Mr. PETERS. Madam Speaker, today I would like to honor New Mount Moriah International Church for 20 years of service to the greater Pontiac community. New Mount Moriah International Church was organized on April 9, 1989 by Pastor Richard Leaks, Jr. in Pontiac Michigan and on April 16, 1989 held its first service at the Bowen Center in Pontiac, with forty-nine faithful chartering members.

On April 7, 1999, the membership unanimously elected Bishop William H. Murphy, Jr. as pastor. Under his capable leadership, New Mount Moriah International Church has flourished and is now home to over fifteen hundred active members and is still growing. New Mount Moriah International Church now consists of three locations; their charter location in Pontiac a beautiful facility at 313 East Walton Boulevard, one in Detroit, and a third newest location in Mt. Clemens.

Madam Speaker, the positive impact of the New Mount Moriah faith community can be seen across the greater Pontiac area in more ways than we can count, and we can expect many more years of success from this wonderful institution.

NATIONAL MALL REVITALIZATION AND DESIGNATION ACT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 2009

Ms. NORTON. Madam Speaker, I rise today to introduce the National Mall Revitalization and Designation Act. The National Mall is one of Washington's best known and most treasured sites, but also is the District's most neglected and undervalued. The Mall lacks everything that a majestic natural wonder deserves, from an official identity to necessary amenities. My bill (1) authorizes the National Capital Planning Commission (NCPC) to officially designate and expand the boundaries of the Mall and (2) requires the Secretary of the Interior to submit a plan to enhance visitor enjoyment and cultural experiences in and the vitality of (the National Mall). "Bordered by world class cultural institutions, the Mall itself has been reduced to a lawn with only a few—too few—ordinary benches and a couple of fast food restaurants. The Mall lacks the most basic amenities appropriate to such an area including restrooms, shelter and informal places to gather and interesting places to eat. When it rains, there are no places to stay dry on the Mall and when the humidity reaches sky high, there are few places to rest and have a cold drink. Nevertheless, in writing this bill I was compelled to recognize today's reality that funds to make the Mall the 21st century destination it deserves to become are not available, and will not become available in the near future until the deficit and other priorities make room. Yet, the Mall needs a total makeover for the 21st century to be worthy of L'Enfant's vision for the city he planned and the MacMillan Plan that is largely responsible for the space between the Capitol and the Lincoln Memorial that is known today as the Mall. However, we must move now to begin to do all we can to rescue this space from its present dull and uninviting condition, damaged by heavy use and often used as no more than a pass-through, despite its magnificent potential. With the necessary imagination, a plan to make the Mall a welcoming place with cultural and other amenities envisioned by the bill is achievable now.

I am pleased that Chip Akridge and the Trust for the National Mall have embarked upon an ambitious fundraising effort to bring the private sector into the revitalization of the National Mall. The Congress started to do its part last year when, Chairman GRIJALVA held the first hearing in decades on the National Mall and this bill, and in FY10 Congress included $10 million for the sinking Jefferson Memorial and $135 million above 2008, to continue the 10 year initiative to upgrade our National Parks before the 100th anniversary of the National Park Service in 2016. The National Park Service is also prepared to meet the requirements of this bill as they progress on their own National Mall plan and the National Capitol Planning Commission with its National Capital Framework plan on April 2nd, 2009. The private sector, the executive and legislative branch all recognize the need for repair and revitalization of our National Mall and no event signified the need like Obama's inauguration. The Mall Designation and Revitalization Act is the first step in an effort to begin to give the Mall its due after decades of neglect and indifference. The bill begins at the beginning—designating the Mall for the first time that we recognize the Mall, allowing for expansion of its natural contours, and taking the first steps to breathe life into a space that is meant for people to enjoy.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 12, 2009 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MARCH 16

10 a.m.
Foreign Relations
To hold closed hearings to receive a briefing on global counterterrorism efforts.
SVC–217

MARCH 17

9:30 a.m.
Armed Services
To hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command.
SH–216

Banking, Housing, and Urban Affairs
To hold hearings to examine perspectives on modernizing insurance regulation.
SD–538

10 a.m.
Energy and Natural Resources
To hold oversight hearings to examine energy development on public lands and the outer Continental Shelf.
SD–366

Finance
To hold hearings to examine tax issues related to fraud schemes and an update on offshore tax evasion legislation.
SD–215

10:30 a.m.
United States Senate Caucus on International Narcotics Control
Judiciary
Crime and Drugs Subcommittee
To hold joint hearings to examine law enforcement responses to Mexican drug cartels.
SD–226

MARCH 18

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine nuclear energy development.
SD–366

Veterans’ Affairs
To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.
334, Cannon Building

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 277, to amend the National and Community Service Act of 1990 to expand and improve opportunities for service.
SD–430

Judiciary
To hold hearings to examine the National Academy of Science’s report Strengthening Forensic Science in the United States: A Path Forward.
SD–226

2:45 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the incidence of suicides of United States Servicemembers and initiatives within the Department of Defense to prevent military suicides.
SD–419

MARCH 19

9:30 a.m.
Armed Services
To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense.
SR–253

MARCH 25

9:30 a.m.
Judiciary
To hold oversight hearing to examine the Federal Bureau of Investigation.
SH–216

Veterans’ Affairs
To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans’ Affairs benefits delivery.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.
SR–253

POSTPONEMENTS

MARCH 17

10 a.m.
Foreign Relations
To hold hearings to examine a strategy for global counterterrorism.
SD–419
Chamber Action

Routine Proceedings, pages S2991–S3034

Measures Introduced: Nine bills were introduced, as follows: S. 567–575. Page S3025

Measures Reported:


Measures Passed:

Extend Certain Immigration Programs: Senate passed H.R. 1127, to extend certain immigration programs, clearing the measure for the President. Page S3033

Congratulating the People of the Republic of Lithuania: Committee on Foreign Relations was discharged from further consideration of S. Res. 70, congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania, and the resolution was then agreed to. Pages S3033–34

Appointments:

United States Capitol Preservation Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–696, appointed Senator Murkowski as a member of the United States Capitol Preservation Commission. Page S3034

Advisory Committee on the Records of Congress: The Chair announced, on behalf of the Republican Leader, pursuant to Public Law 101–509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress. Page S3034

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was declared on March 15, 1995, with respect to Iran; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–12) Page S3023

Ogden Nomination: Senate began consideration of the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General. Pages S2995–S3019

A unanimous-consent-time agreement was reached providing that at 12 noon on Thursday, March 12, 2009, Senate continue consideration of the nomination pursuant to the order of Tuesday, March 10, 2009; that the vote on confirmation of the nomination occur at 2 p.m.; provided further, that upon confirmation of the nomination, Senate begin consideration of the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General; that there be 90 minutes for debate equally divided and controlled between the Majority and Republican Leaders, or their designees; that upon the use or yielding back of time, Senate vote on confirmation of the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General. Page S3019

Cloture Motions Withdrawn—Agreement: A unanimous-consent agreement was reached on Tuesday, March 10, 2009, providing that the cloture motions relative to the nominations of Austan Dean Goolsbee, of Illinois, and Cecilia Elena Rouse, of California, each to be a Member of the Council of Economic Advisers, be withdrawn.

Nominations Received: Senate received the following nominations:

Jonathan Z. Cannon, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

Philip H. Gordon, of the District of Columbia, to be an Assistant Secretary of State (European and Eurasian Affairs).

Ivo H. Daalder, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

Karl Winfrid Eikenberry, of Florida, to be Ambassador to the Islamic Republic of Afghanistan.
Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.
Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women’s Global Issues.
Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security.
W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.
5 Navy nominations in the rank of admiral.

Long and detailed list of what has been made in the Congress of the U.S. for this date, including the naming of people to different roles, and a lot of committees meetings and resolutions introduced.

Committee Meetings

DEPARTMENT OF ENERGY BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2010 for the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

AL-SHABAAB RECRUITMENT IN THE UNITED STATES

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine violent Islamist extremism, focusing on al-Shabaab recruitment in the United States, after receiving testimony from Philip Mudd, Associate Executive Assistant Director, National Security Branch, Federal Bureau of Investigation, Department of Justice; Andrew Liepman, Deputy Director of Intelligence, National Counterterrorism Center, Directorate of Intelligence; Ken Menkhaus, Davidson College, Davidson, NC; and Abdirahman Mukhtar, Brian Coyle Center of Pillsbury United Communities, and Osman Ahmed, both of Minneapolis, MN.

VOTER REGISTRATION

Committee on Rules and Administration: Committee concluded a hearing to examine voter registration, focusing on assessing current problems, after receiving testimony from Chris Nelson, South Dakota Secretary of State, Pierre; Stephen Ansolabehere, Harvard University, Cambridge, MA; Curtis Gans, Center for the Study of the American Electorate, Kristen Clarke, NAACP Legal Defense and Education Fund, Inc., and Jonah H. Goldman, Lawyers’ Committee for Civil Rights Under Law, all of Washington, DC; and Nathaniel Persily, Columbia Law School, New York, NY.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 1426–1453; and 1 resolution, H. Res. 236, were introduced.

Additional Cosponsors:

Report Filed: A report was filed today as follows:

H. Res. 235, providing for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds (H. Rept. 111–36).

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today.

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University: H. Res. 67, to recognize and commend 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, by a 2/3 yea-and-nay vote of 421 yea with none voting “nay”, Roll No. 116;

Pages H3292–96

Urging the President to designate 2009 as the “Year of the Military Family”: H. Con. Res. 64, to urge the President to designate 2009 as the “Year of the Military Family”, by a 2/3 yea-and-nay vote of 422 yea with none voting “nay”, Roll No. 119;

Pages H3297–H3330, H3315–16

Calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States: H. Res. 125, to call on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States, by a 2/3 yea-and-nay vote of 418 yea with none voting “nay”, Roll No. 120;

Pages H3300–05, H3316–17

Agreed to amend the title so as to read: “Calling on Brazil in accordance with its obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction to obtain, as a matter of extreme urgency, the return of Sean Goldman to his father David Goldman in the United States; urging the governments of all countries that are partners with the United States to the Hague Convention to fulfill their obligations to return abducted children to the United States; and recommending that all other nations, including Japan, that have unresolved international child abduction cases join the Hague Convention and establish procedures to promptly and equitably address the tragedy of international child abductions.”.

Page H3317

Supporting the goals of International Women’s Day: H. Res. 194, amended, to support the goals of International Women’s Day; and

Pages H3305–07

Recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue: H. Res. 226, to recognize the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and to call for a sustained multilateral effort to bring about a durable

Page H3317

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Omnibus Public Land Management Act of 2009: S. 22, amended, to designate certain land as components of the National Wilderness Preservation System and to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, by a 2/3 yea-and-nay vote of 282 yea to 144 nays, Roll No. 117.

Pages H3151–H3290, H3296

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, March 10th:


Pages H3296–97

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Supporting the designation of Pi Day: H. Res. 224, to support the designation of Pi Day.

Pages H3290–92

Presidential Message: Read a message from the President wherein he notified Congress that the emergency declared with respect to Iran is to continue in effect beyond March 15, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–24).

Page H3330

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H3150.

Quorum Calls 6 Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3295–97, H3315–17. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:27 p.m.

Committee Meetings

REVIEW ANIMAL IDENTIFICATION SYSTEMS

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review animal identification systems. Testimony was heard from John R. Clifford, D.V.M., Deputy Administrator,
Veterinary Services, Animal and Plant Health Inspection Service, USDA; and public witnesses.

COMMERCIAL, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Assessment of the Serious and Violent Offender Reentry Initiative. Testimony was heard from public witnesses. The Subcommittee also held a hearing on Innovative Prisoner Reentry. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Soldier Equipment, Ergonomics and Injuries. Testimony was heard from GEN Peter Charelli, USA, Vice Chief of Staff, U.S. Army; and GEN James Amos, USMC, Assistant Commandant of the Marine Corps.

The Subcommittee also met in executive session to hold a hearing on Army and Marine Corps Readiness. Testimony was heard from GEN Peter Charelli, USA, Vice Chief of Staff of the Army; and GEN James Amos, USMC, Assistant Commandant of the Marine Corps.

FINANCIAL SERVICES, AND GOVERNMENT OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, and Government Operations held a hearing on How Do You Fix Our Ailing Food Safety System? Testimony was heard from William Hubbard, former Associate Commissioner, Policy and Planning, FDA, Department of Health and Human Services; and public witnesses.

MEMBERS’ DAY


HEARINGS CONTINUE MARCH 18

GLOBAL FINANCIAL CRISIS—SECURITY CHALLENGES ARISING

Committee on Armed Services: Held a hearing on Tracking and Disrupting Terrorist Financial Networks: A Potential Model for Inter-Agency Success? Testimony was heard from Edward Frothingham III, Principal Director, Transnational Threats, Office of the Deputy Assistant Secretary, Counternarcotics, Counterproliferation, and Global Threats; LTG David P. Fridovich, USA, Commander, Center for Special Operations, U.S. Special Operations Command, both with the Department of Defense.

MEMBERS’ DAY

Committee on Education and Labor: Ordered reported, as amended, H.R. 1388, Generations Invigorating Volunteerism and Education Act.

FOOD SAFETY SYSTEM

Committee on Energy and Commerce: Subcommittee on Health held a hearing on How Do You Fix Our Ailing Food Safety System? Testimony was heard from Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Began consideration of the following S. 383, Special Inspector General for the Troubled Asset Relief Program Act of 2009; and a Committee Print entitled “Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2010. Will continue tomorrow.

MORTGAGE LENDING REFORM

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on Mortgage Lending Reform: A Comprehensive Review of the American Mortgage System. Testimony was heard from Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; and public witnesses.
SUMMIT OF THE AMERICAS
Committee on Foreign Affairs: Held a hearing on The Summit of the Americas: A New Beginning for U.S. Policy in the Region? Testimony was heard from public witnesses.

MUMBAI ATTACKS
Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The Mumbai Attacks: A Wake-Up Call for America’s Private Sector.” Testimony was heard from James Snyder, Deputy Assistant Secretary, Infrastructure Protection, Department of Homeland Security; James W. McJunkin, Deputy Assistant Director, Counterterrorism Division, FBI, Department of Justice; Raymond W. Kelly, Commissioner, Police Department, City of New York; and public witnesses.

CIRCUIT CITY BANKRUPTCY
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Circuit City Unplugged: Why Did Chapter 11 Fail to Save 34,000 Jobs? Testimony was heard from public witnesses.

TROUBLED ASSETS RELIEF PROGRAM
Committee on Oversight and Government Reform: Subcommittee on Oversight and Government Reform held a hearing on Peeling Back the TARP: Exposing Treasury’s Failure to Monitor the Ways Financial Institutions are Using Taxpayer Funds Provided under the Troubled Assets Relief Program. Testimony was heard from Neel Kashkari, Acting Interim Assistant Secretary, Financial Stabilization, Department of Treasury; Neil M. Barofsky, Special Inspector General, Troubled Assets Relief Program; and Richard Hillman, Managing Director, Financial Markets and Community Investment, GAO.

WATER QUALITY INVESTMENT ACT
Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 1262, the “the Water Quality Investment Act of 2009.”

The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution makes in order only those amendments printed in the report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. The resolution provides one motion to recommit with or without instructions. Finally, the resolution lays on the table House Resolutions 218, 219, and 229. Testimony was heard from Chairman Oberstar and Representatives Arcuri, Dahlkemper, Bordallo, Sablan, Mica, Miller of Michigan and Whitman.

FUTUREGEN-DOE’S ADVANCED COAL PROGRAM
Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on FutureGen and the Department of Energy’s Advanced Coal Program. Testimony was heard from Pete Marone, Director, Technical Services, Virginia Department of Forensic Science; and public witnesses.

BUDGET VIEWS AND ESTIMATES FISCAL YEAR 2010
Committee on Small Business: Approved Committee Budget Views and Estimates for Fiscal Year 2010 for submission to the Committee on the Budget.

IMPACT OF FOOD RECALLS ON SMALL BUSINESSES
Committee on Small Business: Subcommittee on Regulations and Healthcare held a hearing entitled “Impact of Food Recalls on Small Businesses. Testimony was heard from Ken Petersen, Assistant Administrator, Office of Field Operations, Food and Safety and Inspection Service, USDA; Steven Solomon, Deputy Associate Commissioner, Compliance Policy, FDA, Department on Health and Human Services; and public witnesses.

COAST GUARD DRUG AND MIGRANT INTERDICTION OVERVIEW
Committee on Transportation and Infrastructure: Subcommittee on Coast Guard, and Maritime Transportation held a hearing on overview of Coast Guard Drug and Migrant Interdiction. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: RADM
Wayne E. Justice, Assistant Commandant, Capability; and RADM Joseph L. Nimmich, Director, Joint Interagency Task Force South.

COMMITTEE BUDGET VIEWS AND ESTIMATES FY 2010

Committee on Ways and Means: Approved Committee Budget Views and Estimates for Fiscal Year 2010 to be submitted to the Committee on the Budget.

HEALTHCARE REFORM

Committee on Ways and Means: Held a hearing on Health Reform in the 21st Century: Expanding Coverage, Improving Quality and Controlling Costs. Testimony was heard from public witnesses.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met to consider pending business.

Joint Meetings

TARP

Joint Economic Committee: Committee concluded a hearing to examine Troubled Asset Relief Program (TARP) accountability and oversight, focusing on achieving transparency, after receiving testimony from Richard H. Neiman, New York State Banking Department, Member, and Damon A. Silvers, Deputy Chairman, both of the Congressional Oversight Panel; and Nicole Tichon, U.S. Public Interest Research Group, and Alex J. Pollock, American Enterprise Institute for Public Policy Research, both of Washington, DC.

U.S. SENATE VACANCIES

Senate Committee on the Judiciary, Subcommittee on the Constitution: Subcommittee concluded a joint hearing with the House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties to examine S.J. Res. 7 and H.J. Res. 21, both proposing an amendment to the Constitution of the United States relative to the election of Senators, after receiving testimony from Senator Begich; Representatives Dreier and Schock; Thomas H. Neale, Specialist in American National Government, Government and Finance Division, Congressional Research Service, Library of Congress; Kevin J. Kennedy, Wisconsin Government Accountability Board, Madison; Vikram David Amar, University of California School of Law, Davis; Bob Edgar, Common Cause, and Matthew Spalding, Heritage Foundation, both of Washington, DC; Pamela S. Karlan, Stanford Law School Supreme Court Litigation Clinic, Stanford, CA; and David Segal, Fair Vote Center for Voting and Democracy, Providence, RI.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 12, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine sustainable transportation solutions, focusing on investing in transit to meet 21st century challenges, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the President’s fiscal year 2010 budget and revenue proposals, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy, and Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere, both of the Department of Commerce, and routine promotion lists in the Coast Guard, Time to be announced, S–216, Capitol.

Full Committee, to hold hearings to examine climate science, focusing on empowering our response to climate change, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine proposed legislation regarding siting of electricity transmission lines, including increased Federal siting authority and regional transmission planning, 9:30 a.m., SD–366.

Full Committee, to hold hearings to examine the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine workforce issues in health care reform, focusing on assessing the present and preparing for the future; Business meeting considering the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador, 10 a.m., SD–215.

Committee on Indian Affairs: to hold hearings to examine the President’s proposed budget request for fiscal year 2009 for tribal priorities, 9:30 a.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 49, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, and the nomination of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, 10 a.m., SD–226.

Committee on Veterans’ Affairs: to hold joint hearings to examine legislative presentations of veterans’ service organizations, 9:30 a.m., SD–106.

Select Committee on Intelligence: closed business meeting to mark up certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, to consider the Budget Views and Estimates Letter of the Committee on Agriculture for submission to the Committee on the Budget, 11:30 a.m., 1300 Longworth.
Committee on Appropriations, Subcommittee on Agriculture, on Domestic Nutrition Programs, 1 p.m., 2362–A Rayburn.


Subcommittee on Defense, on Army and Marine Corps Force Protection, 10 a.m., H–140 Capitol.

Subcommittee on Homeland Security, on Securing the Nation's Rail and Transit Systems, 10 a.m., 2362–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on Council on Environmental Quality, 9:30 a.m., B–308 Rayburn.

Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies, on Review of VA Challenges, 10 a.m., and on Family and Troop Housing, 1:30 p.m., H–143 Capitol.

Subcommittee on State, Foreign Operations, and Related Programs, on Africa: Great Lakes, Sudan and the Horn, 11 a.m., 2359 Rayburn.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Transportation Challenges of Rural America, 10 a.m., 2358–A Rayburn.

Committee on Armed Services, hearing on the Department of Defense at High Risk: Recommendations of the Comptroller General for Improving Department Management, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on military resale and morale, welfare and recreation overview, 1 p.m., 2212 Rayburn.

Committee on the Budget, hearing on Department of Education Fiscal Year 2010 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, and the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary, joint hearing on Lost Educational Opportunities in Alternative Settings, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee Communications, Technology and the Internet, hearing on Universal Service: Reforming the High-Cost Fund, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing on Consumer Protection Policies for Climate Legislation, 10 a.m., 2322 Rayburn.

Committee on Financial Services, full Committee, to continue consideration of the following: S. 383, Special Inspector General for the Troubled Asset Relief Program Act of 2009; and a Committee Print entitled “Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2010,” 9:15 a.m., 2128 Rayburn.


Subcommittee on International Monetary Policy and Trade, hearing on H.R. 1327, Iran Sanctions Enabling Act of 2009, 10 a.m., 2220 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on U.S. Foreign Economic Policy in the Global Crisis, 10:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled “Border Violence: An Examination of DHS Strategies and Resources, 10 a.m., 311 Cannon.


Committee on Science and Technology, Subcommittee, on Investigations and Oversight, hearing on ATSDR: Problems in the Past, Potential for the Future, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, hearing on Ensuring Stimulus Contracts for Small and Veteran-owned Businesses, 10 a.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, to meet for organizational purposes; followed by a hearing on Protecting Lower-Income Families While Fighting Global Warming, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing Intelligence Activities, 9:30 a.m., 304 HVC.

Joint Meetings

Joint Hearing: Senate Committee on Veterans’ Affairs, to hold joint hearings to examine legislative presentations of veterans’ service organizations, 9:30 a.m., SD–106.
March 11, 2009

Next Meeting of the SENATE
11 a.m., Thursday, March 12

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 12 noon), Senate will continue consideration of the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, and vote on the confirmation thereon at 2 p.m.; following which, Senate will begin consideration of the nomination of Thomas John Perrilli, of Virginia, to be Associate Attorney General, and after a period of debate, vote on the confirmation thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, March 12

House Chamber

Program for Thursday: Consideration of H.R. 1262—Water Quality Investment Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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