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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Almighty God, in whose keeping are the destinies of people and nations, endure with Your wisdom our fallible minds that we may do Your will. Lord, give our Senators the greatness of soul that they will use the keys of their power to open doors of peace and righteousness for our Nation and world. As they seek to make good decisions, strengthen them with the assurance that in life's supreme tests, You will guide them. Give them the grace of quietness and confidence that in simple trust and deeper reference they may reap a bountiful harvest. May they be found steadfast, abounding in Your work, knowing that because of You their labor is not in vain.

We pray in the Name that is above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EDWARD E. KAUFMAN 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KAUFMAN 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 be in a period of morning business for 1 hour. Senators will be permitted to speak for up to 10 minutes each up to that period of time. The majority will control the first 30 minutes, and Republicans will control the final 30 minutes.

Upon the conclusion of morning business, the Senate will resume consideration of H.R. 146. We will vote in relation to the remaining three Coburn amendments around 11 a.m. today and on passage of the bill shortly thereafter.

At 2 o'clock this afternoon, the Senate will turn to executive session to consider the nomination of Elena Kagan to be Solicitor General of the United States. The agreement reached last night provides for up to 6 hours for debate prior to a vote on her confirmation. We anticipate the vote could occur in the 4:30 to 6 p.m. range. It is doubtful that all 6 hours will be needed for debate on the Solicitor General.

RECOGNITION OF THE MINORITY LEADER

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

AIG

Mr. MCCONNELL. Mr. President, Americans want answers about how bonuses were handed out at AIG, how it happened, and how to make sure it never happens again.

The President said last night that he wants to make sure we don't find ourselves in this situation again, and I couldn't agree more. He pledged to do everything possible to fix the situation, and certainly we all appreciate that. He has said his administration will ensure that if they provide further assistance, they will renegotiate these types of preexisting contracts. That is good.

I was encouraged to read this morning that some senior executive officers at AIG have agreed to return their bonuses to the taxpayers, including the largest bonus. That is the right thing to do, and it is a clear sign that the taxpayers' voices have been heard. But for now, taxpayers are still looking for an answer to the question of how all of this happened so we can make sure their hard-earned pay isn't wasted in the future.

THE BUDGET

Mr. MCCONNELL. Mr. President, Americans are focused on a number of important issues at the moment relating to the economy and to the administration's response to it, but it would be a mistake in the midst of all of these immediate concerns to take our eye off the administration's long-term economic plan as outlined in its budget. The American people already have an idea that this budget spends too much, it taxes too much, and it borrows too much, particularly in the midst of a severe recession. They are also concerned about the staggering number of things the administration is trying to do. Still, it is important to look closely at the details of the administration's long-term budget plan so people have an idea of what is coming.

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

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Over the past 2 weeks, Republicans have discussed the spending side of the budget and some of the massive new taxes the budget calls for on energy use and on small businesses. Today, I wish to briefly discuss another element of the tax plan, and that is the proposal to limit the benefit taxpayers receive for making charitable donations to nonprofits and charitable organizations.

Let's be clear about something from the outset. This is not something only Republicans oppose. This proposal has been met with wide bipartisan opposition in Congress and widespread criticism from the many thousands of organizations that would be adversely affected by it. With a challenged economy already causing endowments at colleges and universities, charities, museums, and other nonprofits to shrivel up, the last thing America's nonprofit organizations expected was for the administration to introduce yet another disincentive to charitable giving, and many of them, including many of them from the opposite ends of the political spectrum, are uniting in strong opposition to the administration's proposal. One reason: According to a February survey in the Chronicle of Higher Education, college and university endowments lost more than 20 percent of their value in a recent 5-month period, largely as a result of the plunging stock market. The administration's proposal is a bad one, frankly, at any time, but now is the worst time of all.

Earlier this week, I received a letter on this very proposal from the president of Western Kentucky University in Bowling Green. He said the university has worked hard over the past year to increase its support from charitable gifts and that they have had a lot of success doing that. He also noted that WKU is in the middle of a major annual fundraising campaign to increase opportunities for students and that 95 percent of the total will come from the generosity of fewer than 500 donors.

The message was clear: The importance of major gifts to Western Kentucky University and to thousands of other colleges and universities across the country is impossible to overstate, and disincentivizing those gifts would strike a serious blow to every one of these institutions—every single one of them.

There is another important aspect of this issue, and it is one President Ransdell at WKU pointed out in his letter. Americans are known the world over for their generosity. That generosity was encouraged by the creation of the charitable gift deduction in the early part of the last century, and that deduction is one of the reasons that last year Americans gave more than $300 billion to charitable causes—that was back in 2007—and roughly 75 percent of those donations—or $229 billion—came from individuals. I will say that again: 75 percent of the $300 billion given to charitable causes in 2007, which is $229 billion, came from individuals. One of the things Americans are most proud of is that no other industrialized nation in the world gives more to charity than the United States. It is not even close. As a share of our GDP, Americans give more than twice as much as Britain and 10 times more than France. Seven out of ten American households donate to charities, supporting a wide range of religious, educational, cultural, health care, and environmental goals. This is something to be proud of. It is uniquely American. It is not something we want to discourage.

So Americans from all walks of life and both political parties are worried about this proposal. They don't understand why charitable organizations and the people they serve should suffer in order to pay for new or expanded Government programs. According to one study, this proposal could lead to $9 billion less in charitable giving each year. That is less money for places such as Western Kentucky University, the Juvenile Diabetes Foundation, hospitals, churches, food pantries, and countless other causes that are quite worthy of our support. These organizations are hurting enough. The administration doesn't need to hit them up for more tax revenue while they are down, and it doesn't need to blunt one of the things Americans are most proud of; that is, of course, our generosity.

The following quote attributed to President Kennedy sums up the way most Americans feel about this issue, and it captures my own sentiments as well. This is what he had to say:

> The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition.

Charities provide a valuable public service to society's most vulnerable citizens. Now more than ever, these organizations need our help. This plan to disincentivize charitable giving is absolutely wrong. Many of us on both sides of the aisle will be working hard to make sure it doesn't become law. Congress should preserve the full deduction for charitable donations and actually look for additional ways to encourage charitable giving, not discourage it.

Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mrs. MURRAY. 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, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington is recognized.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 638 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. MURRAY. I yield the floor, and I reserve the remainder of the time on our side.

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

THE BUDGET

Mr. ENZI. Mr. President, this morning I want to address the budget a little bit, and to all Americans, I want to be clear: I want to work with the President to get our economy back on track. I want to fix housing, reform the financial markets, and help every citizen get access to high-quality, affordable health care. I want our President to succeed in leading our Nation out of this economic crisis.

But I draw the line with President Obama's idea of raising taxes. He may think it is a great idea to raise taxes in the midst of a recession, but I surely don't. The President's proposed tax increase is a whopper—$1.4 trillion in new taxes, which is equal to the annual economic output of all of Spain.

Despite the White House rhetoric, these taxes will hit all Americans. No one is spared. This budget raises taxes on energy. If you drive a car or heat your home, your taxes are going to go up.

This budget raises taxes on small business. More than half of small businesses that employ between 20 and 500 employees—that is the Federal definition of ''small business,'' 20 and 500 employees—will see their tax bills rise and jobs eliminated.

This budget raises taxes on senior citizens who are dependent on dividend and capital gains income for retirement income.

This budget raises taxes on charitable contributions. Just the announcement that it will happen, we have already seen decreasing charitable contributions. Of course, a lot of those charitable contributions are ones that come from these small business employers who have single proprietorships or small business corporations where they have to pay their taxes right away, even though they have to put all that money back into the company. I will talk about that later.

This budget reinstates the death tax, making it harder to keep the family farm, the family ranch, or the family business in the family.

This budget simply taxes too much. I heard lots of complaints from Wyoming ranchers about the President's tax increase. Many of our ranches and farms are structured as S corporations or limited liability corporations, and this tax hike would hurt them.

The President will say his proposal to let some 2001 tax cuts expire will affect only 3 percent of all taxpayers, but this statistic obscures the fact that these taxpayers employ the most number of workers and generate the most economic activity of all small business entities.

According to a 2007 Treasury Department report, over 30 percent of all business income comes from passthrough entities, such as S corporations, partnerships, and limited liability companies. That means it goes right back in to take care of the business.

Last weekend, I was in Wyoming. I visited Sanford's restaurant in Gillette, WY. They started with one restaurant and now they have eight different locations. At the location I went to, one of the owners happened to be there. He said proudly, and he should: We started this business on $2,000. Now we have eight stores, and we still only have $2,000. That is because everything has been plowed back into the business, which results in more jobs for more people.

That is what we are talking about. We want this economy to grow. Small businesses are the ones making this grow. It is the guys and women with an idea they can take their last $2,000 and put it into something productive and they can grow it. The problem is, when they grow it, they pay the taxes on it immediately. They pay the taxes as though it actually flowed into their pocket. But it doesn't. As a result, some of these people who have been successful who are creating all these jobs make more than $250,000 a year. They don't get to keep it. That is the important part. They don't get to keep it. They have to pay taxes on it right away. That puts them into this new higher tax bracket.

It is going to have a devastating effect. Suddenly, the house they own—they are not going to have the same kind of house deduction, as if they didn't have a business at all.

Charitable contributions—it is the small businesses that keep the towns going. It isn't the big corporations that buy the ads in the yearbooks. It isn't the big corporations that make a donation when somebody comes around because there has been a fire. It is those little businesses that want to grow. They are growing, but they have to put everything they have back into it. I know small businessmen who have been able to pay everybody who works for them but not themselves.

We are not talking about the big corporations with the big bonuses. We are talking about the little corporations that are family. By ''family'' I mean every employee who works for them understands how difficult the business is, how close to not succeeding the business is, and because they want their job, they help the business to succeed. As a result, they are included in ''the family.'' All of those people are going to suffer.

Because 30 percent of all business income that comes through these passthrough entities, such as S corporations, partnerships, and limited liability companies, these small businesses that are hiring people—they are hiring people; they are not laying them off. The unemployment would be tremendously higher if it were not for this 30 percent of all business income that gets passed through and back into the business.

Over 70 percent of that income is concentrated in the top two marginal income-tax rates. They pay the highest rate we have because they did business and because the business is making money. But it isn't money they get to put in their pockets; it is money they put back into the business. So nearly a quarter of all business income would be subject to higher taxes under this budget.

Let me repeat that. Nearly a quarter of all business income would be subject to these higher taxes under this budget. According to a 2007 survey completed by Gallup for the National Federation of Independent Businesses, 50 percent of all businesses that employ between 20 and 499 workers will face higher taxes if the 2001 rate reduction in the top two rates is allowed to expire. Fifty percent of all businesses that employ between 20 and 499 workers will face higher taxes if we do not change that, if we allow it to expire. And the plan, according to the budget, is to let it expire, to shove these taxes off on these small businesses, the ones that are still doing well, the ones that have not succumb to the greed, the ones that have been doing the right thing, particularly with their community. Raising taxes on our Nation's job creation engine at any point in the business cycle is just bad economic policy.

The key to our Nation's economic growth and our ability to recover from a crisis such as this one is the flexibility and the vibrancy of our non-corporate sector. Small business is the incubator for entrepreneurship, and we should protect it and nurture it, not tax it.

For example, many in the companies that fueled the economic growth of the 1990s and beyond started as passthrough entities: For example Yahoo and Microsoft, just to mention a few that the President mentioned earlier in the week when he was talking about the importance of helping out small business and said all the right things about small business.

I am encouraged by what he said. I am encouraged by the differences he is going to make in the way the Small Business Administration works. But it is going to come back again in the way of higher taxes for those same people. We need to encourage, not discourage, those people.

When I was in Wyoming, I had a procurement conference. That is where the Federal Government comes to Wyoming and talks to my businessmen to see if small business can't provide for some of the Government contracts. Every year it is a huge success. People from all over the Nation, not just Wyoming, are able to take advantage of that sort of thing.

At that conference, a guy in Montana was talking about the need for some liquidity so he could get a loan—a loan, not a bailout—a loan so he could grow his business. As we learned at the White House summit on Monday, the banks do not have a secondary market for their loans. That means when they make the loan, they cannot turn around and sell the loan to free up the capital to make another loan. When that happens, these small businesses cannot get loans, and a lot of them need short-term credit.

You have to order your inventory a year ahead of time often. When it gets there, you have to pay for it, and then you sell it. A lot of them need just a kind of cashflow loan, one that will pull them through that time when all the inventory hits and gets paid off and the time the inventory gets sold.

A guy in Montana talked to a guy in Wyoming who talked to me and proposed several different ways that I have passed on to the White House and to Secretary Geithner that money could be freed up for these businesses to grow. I am encouraged and hope that will happen. I hope it is not reversed by these new taxes.

I will fight to preserve low taxes for our Nation's small business, and I am prepared to offer an amendment to any legislation that attempts to raise taxes on small business income.

I have pledged to work with the White House to fix housing, to reform our financial markets, and to help every citizen get access to high-quality, affordable health care. My question today is: Will the White House work with me to protect small business from the harmful effects of this budget's tax increase?

This budget taxes too much, spends too much, and borrows too much.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask the Chair to let me know when 9 minutes has elapsed.

The PRESIDING OFFICER. The Chair will so notify the Senator.

IT'S THE ECONOMY

Mr. ALEXANDER. Mr. President, we have an impressive new President of the United States. He has proven without a shadow of a doubt that he is capable of doing many things at once.

I was privileged to go to one of the summits he had. That one was on health care. He had another one on entitlements. He has been to a wind turbine factory. He was in California yesterday. He has overruled some of President Bush's environmental decisions. And yesterday he did what many Americans are doing: he picked his bracket in the NCAA basketball tournament, and he picked North Carolina, which predictably caused their rival, the coach of Duke, Coach ''K,'' to say the following:

> Somebody said we're not in President Obama's final four, and as much as I respect what he is doing, really, the economy is something that he should focus on, probably more than the brackets.

That was our U.S. Olympic coach yesterday. There is some truth to that. The President is very impressive and is capable of doing many things at once. But, we don't need a lot of things done at once right now. We have one big issue—it's the economy, Mr. President.

While all of us have our role to play in this—Senators, businesspeople, all of us across the country—there is only one person who can do what the President of the United States can do. He is the agenda setter. He is the mobilizer. If the President of the United States focuses on one single big issue and throws everything he has into it for as long as he can, he will wear everybody else out and he will solve the problem, if it can be solved. I am confident in this country the problem can be solved.

He has been there for 4½ months now. We still have a big economic problem. It was going on before he came in, correct. Some people say Americans don't pay attention to history, but I am not so sure about that. In October of 1952, General Eisenhower was running for President and said: I shall go to Korea. He was elected. The Korean war was a big problem then.

On November 29, he went to Korea, and said he would concentrate his attention on the job of ending the Korean war until it is honorably ended. There were a lot of other things going on in 1952 and 1953 that needed to be solved. But President Eisenhower focused on the Korean war, ended it, and the country was grateful.

It is time for President Obama to focus on fixing the banks and getting the economy moving again. He can do that. The country needs for him to do that, and the country would be grateful if he did.

There are other issues, but we only have one President; we have one big issue. Mr. President, it's the economy. That is where the focus needs to be.

We are currently debating the President's budget, and we have some differences of opinion. As the Senator from Wyoming said, we believe on the Republican side it spends too much, it taxes too much, and it borrows too much. It is a blueprint for a different kind of country. It is an honest blueprint, in my opinion. It is a 10-year picture of where America would go under the President's proposed budget. It will bring much more Government, add much more debt, and it will be turning over to our children a country that they will have a hard time affording and in which they will have fewer choices. It is not the kind of country I want to see.

The new higher tax rates would raise taxes by $1.4 trillion over 10 years. It is the largest tax increase in history.

Going back to history a little bit, we can learn lessons from history. President Hoover in 1932, as we were entering a recession, raised taxes. He raised taxes on the wealthy people. The top tax rate rose from 25 percent to 63 percent. What were the effects of the 1932 tax increase? Tax revenue decreased, the Federal deficit increased, and the Great Depression continued for a number of years. The middle of a deep recession is no time to be raising taxes on anyone. I know the President is saying: Well, this only goes into effect later. But everybody makes plans today based on what happens tomorrow. We also know that if they say we are only going to tax the rich people, we have heard that said before. In 1969, everybody became concerned because there were 155 people in America who didn't pay any taxes. So we had what was called the millionaire's tax to catch them. We put in a new tax rate 40 years ago. If Congress had not acted, that tax rate that was set to capture 155 people who didn't pay taxes 40 years ago would have captured 28 million Americans this year.

In this country, you rise. You make more money and you rise into the higher tax rates. So if you put a high tax rate to capture 155 people, what we find 40 years later is that you capture 28 million Americans who are paying higher taxes, and many of those individuals are making incomes of $60,000, $70,000, and $80,000 a year.

President Kennedy and President Reagan both lowered taxes when they became President and were in economic slowdowns. When President Reagan came in, we had a serious economic slowdown. I was Governor of Tennessee at the time, and unemployment was higher then than it is today. Inflation was a lot more then than it is today. Interest rates were terrifically high then. President Kennedy and President Reagan decided to lower taxes during the economic slowdowns. President Obama is proposing the largest tax increase in history, and the tax especially goes on the engine that creates the most new jobs.

In America, all businesses are important for creating jobs. In my home State, we have Federal Express. It employs almost 300,000 people around the world. On the Republican side of things, we would like to have immediate expensing of all the big airplanes Federal Express buys, or the software Microsoft buys—which is not based in my State. Because if these companies can deduct those expenses in the first year, they will make more money, they will hire more people, and Tennessee will do better. Jobs are what we are talking about. But most of the new businesses come from small businesses.

Secretary Geithner, the Treasury Secretary, says this tax they want to impose only affects the rich people, and only 2 or 3 percent of the small businesses are affected. Well, I checked into that a little bit. If you work for a company with 20 or more employees—up to 500 employees is a small business—chances are 50–50 that you are working for somebody whose taxes are going to be raised by this proposed tax increase in the President's budget. If those taxes go up in the half of the small businesses that create most of the new jobs, then there is no money to buy new equipment, there is no money to hire a new person, there is no money to raise salaries, there is no money to pay health care benefits and there might not be enough money to pay employees and jobs may be at risk. Raising taxes on owners of small businesses in the middle of a recession is not the way to create new jobs.

Then there is the national sales tax on electric bills and energy. Clean air and climate change is an important issue with me, especially clean air. I live at the edge of the Great Smoky Mountains, where we have unhealthy air that's polluted with nitrogen, sulfur, and other pollutants. I have introduced legislation to have higher clean air standards. I have also, every Congress since I have been here, introduced legislation to have caps on carbon that comes out of the coal-fired powerplants. Not caps on the whole economy, just the powerplants, which produce about 40 percent of the carbon. Some other Senators would like to have what is called a cap-and-trade tax on the entire American economy.

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. ALEXANDER. I thank the Chair very much.

Mr. President, the recession is no time to impose a $600-plus billion tax on everybody's electric bill. This is not the time to do that, if the time is ever right to do that. MIT suggests a bill such as the one the President has proposed would cost each American family $3,100 a year. In the middle of a recession, that is not a good idea.

In conclusion, I think Coach K's advice to our impressive new President is good advice. We know he can have summits, make trips, and deal with a lot of different things. He has smart people dealing with him. But we have a tough economic problem, and it is the economy, Mr. President. We need the President to focus on the economy and concentrate on it, until the banks are fixed and the credit is flowing. We need a budget that doesn't spend so much, tax so much, and raise debt so much. Otherwise, we will deliver a country to our children and grandchildren that they can't afford.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Madam President, I ask unanimous consent to speak after Senator CORNYN.

The PRESIDING OFFICER. Is there an objection to the request as modified?

Mr. CORNYN. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

AIG

Mr. CORNYN. Madam President, I rise to speak about the public's outrage over the revelations that senior executives at AIG have received bailout bonuses. This company received $173 billion in taxpayer money, including tens of billions of dollars through the Troubled Asset Relief Program. The American people do deserve to know where their money is going.

I confess that last year I supported the first round of TARP money based on the representation from what I thought were the smartest people in the country that it was absolutely necessary to unfreeze the frozen credit markets in our country. But I did not support additional money for the TARP funding when it was requested—the second tranche, so to speak—because the accountability and the transparency we were promised by the Treasury Department the first time around never materialized. We were told this money was necessary to prevent a crisis in our country. Now, we do have a crisis, but that crisis is a crisis of confidence in this administration and in the leaders of this Congress.

The American people have legitimate and urgent questions about these bailout bonuses, and these questions demand answers. First of all, they want to know how this happened. A lot of people are pointing fingers over these bailout bonuses, and right now there is a lot we do not know.

I appreciate the fact that President Obama said: You know what, people are trying to find fault. I accept the blame.

I appreciate the gesture, but that is simply not good enough. We do not know when the administration became aware of these bonuses. Secretary Geithner says he learned of the bonuses last Tuesday. President Obama said he learned about them on Thursday. Yet the Federal Reserve Bank of New York says it notified Treasury in February. And Edward Liddy, the CEO of AIG, testified that everyone knew about these bonuses for months and that he and Secretary Geithner spoke about the bailout bonuses 2 weeks ago. What is clear is that the administration should have known about these bonuses a lot earlier and they should have taken action before they sent AIG another $30 billion this month.

We also know how these bailout bonuses got legal protection in the stimulus bill. I voted against the stimulus bill for reasons too numerous to mention here. Yet the bill that passed out of this Chamber had two amendments that addressed bailout bonuses: One amendment, sponsored by Senator WYDEN and Senator SNOWE, would have taxed these bonuses; another, sponsored by Senator DODD, the Senator from Connecticut, would have banned the bailout bonuses altogether. These amendments were in the bill that passed out of the Senate, but something happened in the conference. The Snowe-Wyden amendment disappeared completely and the Dodd amendment was changed so that it grandfathered in all the bailout bonuses in place on or before February 11. No one admits to knowing how this happened. None of the conferees admit to knowing. There have been conflicting reports about who knew what when. But the American people need to know who protected these bailout bonuses in a law that was signed by President Obama—one among those who claim outrage at the revelation that now these bonuses are going to be received. He signed the law into effect that actually protected these bonuses in the stimulus plan.

The American people deserve to know who proposed these changes in the stimulus bill, who knew about these changes, and who approved these changes. The American people deserve to know who is responsible and how they intend to fix this problem and get the bailout bonus money back in a constitutional and legal way.

How do we assure this does not happen again? As those responsible scramble to come up with an explanation, we must also understand what we must do to ensure this type of thing never happens again. I would like to offer a few suggestions.

First, Congress needs to stop passing bills without reading them, finding out what is in them, and preparing for their implementation. During the transition, the then-incoming administration said they didn't want to waste a crisis, and Congress complied. Yet their leadership has taught us a different lesson: Treating everything like a crisis actually leads to waste.

Second, it is clear the administration needs to get its team in place. Better oversight by the Treasury Department could have avoided this problem. Yet, as Paul Volcker observed, Secretary Geithner ''is sitting there without a deputy, without any under secretaries, with no assistant secretary responsible in substantive areas at a time of obviously very severe crisis.'' I appreciate that President Obama has completed his March Madness tournament bracket. Yet the organization chart for this administration still has far too many open slots.

Third, the President needs to shelve his plans to grow the size of Government. His plans to raise more taxes can wait until the administration proves they can be good stewards of the tax dollars we are already spending. His plans to nationalize health care, energy, and education can also wait until he addresses the problem of toxic assets in our financial system and gets our economy moving again.

Fourth, the President needs to fulfill his pledge to promote transparency and accountability and bipartisanship in Washington—something I agree with. The President won the support of the American people because he promised to be a different kind of leader. Yet we see that the more things change, the more they seem to be the same here in Washington. Lack of transparency in Congress helped protect these bailout bonuses in law—passed by the Senate without my vote and signed by the President of the United States. Lack of accountability at the other end of Pennsylvania Avenue speeded this money out the door.

If the President's efforts at bipartisanship had been substantive—more than photo ops and press releases—then we might have delivered a better stimulus bill and not squandered the trust of the American people.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 146, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Pending:

Bingaman amendment No. 684, in the nature of a substitute.

Coburn amendment No. 682 (to amendment No. 684), to protect scientists and visitors to Federal lands from unfair penalties for collecting insignificant rocks.

Coburn amendment No. 677 (to amendment No. 684), to require Federal agencies to determine on an annual basis the quantity of land that is owned by each Federal agency and the cost to taxpayers of the ownership of the land.

Coburn amendment No. 683 (to amendment No. 684), to prohibit funding for congressional earmarks for wasteful and parochial pork projects.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I rise today to urge colleagues to support Chairman BINGAMAN on the upcoming amendments and to speak in favor of this extraordinarily important public lands package.

This legislation would designate over 2 million acres of our great country as wilderness, surpassing the wilderness acreage designated by the last three sessions combined. The wilderness protected in this bill spans nine States, including my home State of Oregon. In addition, it adds close to 1,100 miles to the National Wild and Scenic Rivers System in seven States—again including Oregon.

It is going to allow for much needed upgrades to national trails, monuments, national conservation areas, oceans, the National Landscape Conservation System, forest landscape restoration, and water resources. Most significantly, the bills contained in this legislation would serve to protect our public lands from encroachment and preserve them for future generations to cherish and enjoy.

The legislation includes provisions that are very near and dear to our country but especially to Oregonians. It includes the Lewis and Clark Mount Hood Wilderness Act of 2007, the Copper Salmon Wilderness Act, the Cascade-Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act, the Oregon Badlands Wilderness Act of 2008, and the Spring Basin Wilderness Act of 2008.

Today, I also wish to say that it is important to protect these special places because it will also be good for our economy to go forward with this legislation. This is legislation that is important to do whether we are in good times or in bad times—whether the economy is weak or strong. Because the nation's public lands of course, have enduring benefits, benefits we are going to pass on to our children long after these challenging days become a footnote in our country's history. So protecting public lands is a smart thing to do, and it is especially important given the significant economic benefits you will see generated by this legislation. And there are many that know, this is also a smart thing to be doing in a recession because our public lands—accessible to all for free or for a small fee—are where America's families turn for affordable recreation. And that recreation in turn, fuels the economy in many communities that rely on our nation's public lands.

Appreciating the outdoors is not just a passion for Oregonians and the people of our country, it is also an economic engine, which is more urgently needed than ever in these challenging economic times. It is certainly an economic engine in my State, where the unemployment rate is over 10 percent.

So passing this legislation isn't just the right thing to do morally—it is the right thing to do economically.

In these times, folks have been losing their jobs. They do not know where their next job is going to come from. The fact is, there are significant economic benefits through recreation generated by this legislation. The Outdoor Industry Association, which closely tracks American's use of the outdoors and all the economic engine that encourages, has found recently that American's participation in outdoor activities increased in 2007 to 50 percent.

They found that the national active outdoor recreation economy contributes $730 billion annually to our Nation's economy; it supports nearly 6.5 million jobs; it generates $49 billion in annual national tax revenue; and produces almost $300 billion annually in retail sales and services across the country. In Oregon, it contributes more than $5.8 billion annually to Oregon's economy.

So outdoor recreation, what this legislation is going to promote, is a huge economic bonanza for our Nation. I can tell you, because colleagues have asked about Oregon, one of the national treasures this bill would protect, Mt. Hood, has had a banner skiing season. The Forest Service estimates visitation to the Mt. Hood National Forest is more than 2 million visitors a year, making it one of the most popular in our country.

Some other areas that we protect in this bill, the Badlands and Spring Basin are near Central Oregon—a region that has a well-earned reputation as a hub for diverse outdoor recreation. They are also on Bureau of Land Management Lands, ''BLM.'' The BLM estimated that in Oregon alone, BLM lands had 8.3 million recreation visits. Those visits brought people, jobs and investment to the surrounding towns.

The same is true in the other two areas this legislation would protect—the Cascade Siskiyou National Monument, where we would create a new 23,000 acre Soda Mountain Wilderness and Copper Salmon, where fishermen from all over the country journey to fish in one of the last intact watersheds on the southwestern Oregon Coast.

A number of Senators have worked hard to make this legislation possible. I wish to thank them. And certainly Michele Miranda in our office, Mary Gautreaux, and my chief of staff, Josh Kardon, who has tried for years and years to bring together community leaders, all deserve special credit.

We have gems in this legislation that are going to make for recreational industry meccas. I hope that all colleagues will support Chairman BINGAMAN when the amendments come up and ultimately support this legislation. We ought to pass this legislation. It is time to do it for millions of Americans and for future generations enjoying these great treasures, and we ought to do it because this legislation will also help stoke the economic engine for our country.

I know colleagues are waiting too. I wish to thank Chairman BINGAMAN for this opportunity to speak. I urge all colleagues to support Chairman BINGAMAN with respect to these amendments and get this bill passed in the Senate today.

Mr. BINGAMAN. Madam President, how much time remains in opposition to this first amendment?

The PRESIDING OFFICER. There is 10 minutes remaining. The Senator from New Mexico has 4 minutes and the Senator from Oklahoma has 10 minutes.

Mr. BINGAMAN. Let me take 2 of the 4 minutes because I know my colleague from Alaska was hoping to speak also. If she arrives, I will yield that time to her. If she does not, I will reclaim it.

Mr. MARTINEZ. Madam President, I was under the impression that I would be allowed to speak in opposition to amendment No. 683 as well.

The PRESIDING OFFICER. That amendment is not the first amendment to be voted on.

Mr. COBURN. Madam President, since I am controlling the remaining 10 minutes, I would be happy to yield to the Senator from Florida 2 minutes of that time.

Mr. MARTINEZ. I understand it is not the first amendment. Will there be an opportunity to speak in opposition to the amendment prior to that vote?

The PRESIDING OFFICER. There will be 4 minutes of debate evenly divided.

Mr. MARTINEZ. If I might suggest, through the chair, that the Senator from New Mexico go on and take his time. I will yield time to the Senator from Florida.

AMENDMENT NO. 677

Mr. BINGAMAN. Madam President, let me go ahead and briefly describe my reasons for urging we not support this first amendment. This first amendment is an amendment Senator COBURN offered and is very nearly identical to an amendment he offered to the Consolidated Natural Resources Act of 2008. That was the package of public land bills the House sent us that year.

Most of the Senate voted against the amendment. I hope they will again. The amendment required the Director of the Office of Management and Budget to post an annual report on the Internet detailing a great deal of information about lands owned by the Government: buildings, structures on those lands, extensive information on which are used, which are not used, the cost of operation of those lands, and those structures estimated backlog for maintenance of various structures of the agencies.

The issue the Senator is trying to get at was dealt with in the previous administration, when President Bush issued Executive Order 13327. Therein, he set up the Federal Real Property Council, a Federal real property council, that has, as its job, tracking asset management, inventory of assets, setting up systems to do that, working

under the auspices of the General Services Administration; the Government Accountability Office or the General Services Administration.

I believe that is a much better thought-through way to proceed with this. The cost of this amendment would be fairly extensive. We do not have an exact estimate, but we have been told there are 1.2 billion pieces of real property or real property assets worldwide, over 636 million acres of land we are talking about here, that would have to be inventoried and reported on in an updated fashion every year. So this is an extensive undertaking.

Madam President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute remaining.

Mr. BINGAMAN. I withhold my time until the Senator from Alaska can have a chance to get her thoughts together.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I yield 3 minutes to the Senator from Florida.

AMENDMENT NO. 683

Mr. MARTINEZ. I thank the Senator from Oklahoma for yielding.

I rise in opposition to his very amendment, which shows why I often find myself in agreement with the Senator from Oklahoma, because of his kind nature to allow me to do this in opposition to his very amendment.

While I often find myself in agreement with him, in this instance I must depart and not concur. The amendment is not well founded. It is trying to strike the authorization for the St. Augustine 450th Commemoration Commission Act. This is a commemoration of 450 years of the first European settlement on the North American Continent, the first in the continental United States.

St. Augustine was founded by the Spanish a full 50 years before Jamestown. We created, in the year 2000, a commission to commemorate that event, the 400th anniversary of Jamestown. Likewise, this one is identically patterned to that. It is the same thing. But here is the significance and importance of it. Our Hispanic heritage in this country, which necessarily is of more and more importance to many of us, is something we ought to recognize and celebrate.

How many young Hispanic children do not have the heritage or the foundational heritage to understand their culture and their proud heritage, and how many of them would benefit by understanding that this celebration is about them. It is about their heritage and their heritage in this very country of ours.

It is the oldest permanent settlement in the United States, St. Augustine, FL. It is the birthplace of Christianity. It is in St. Augustine, FL, that the first Christian Catholic mass took place. It is the first blending of cultures. It was a place that was at times Spanish, it was then English, it was then French. It has Native American influence as well as African-American influences as well. The first free Black settlement in North American was in St. Augustine.

Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed on the coast of St. Augustine looking for the fabled Fountain of Youth, but instead he founded a colony known as La Florida.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo do San Marco in 1672 to protect the capital of La Florida from the French and the British interests. That castle, which was later rebuilt, still stands today and is a terrific tourist attraction.

Florida is not only going to celebrate this for Florida's sake, but this is a national celebration. There are over 70 million visitors to our State of Florida every year. Many of them will find their way to St. Augustine, and, of course, countless others throughout and around our country will celebrate this anniversary by seeing the celebrations on television and in other ways.

It is an important linkage to our Hispanic heritage, and so I urge my colleagues to vote in opposition to this amendment and support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I wish to rebut some of what the Senator from New Mexico said in terms of the real property reform.

What you heard in his statements is a profound admission that we do not have the information right now. We do not have it. We have over 650 million acres of land, we have over 21,000 empty buildings now that we know of. That is just a guess.

How, in a time when we are going to run a $2.2 trillion deficit this year, can we say we do not want the tools to manage the real property in this country. The Executive order has not done it. It was basically about buildings, Federal buildings.

I worked with the OMB on that 3 years ago to set that up. Much to the avail, we now know we have the 21,000 buildings, but the Senate continues to block any real property reform so we cannot get some of the $18 billion we are wasting every year on those 21,000 buildings. We cannot get any of them sold; we cannot dispose of any of them; we cannot even raze any of the ones that need to be razed.

The very fact that we would oppose having the information we need to make real decisions, frugal financial decisions with America's taxpayer dollars, at a time when we are in an economic malaise, and have a deficit that is going to be $6,000 to $7,000 per every individual in this country is amazing to me.

This requires 1 year of hard work and requires very little work anyway after that. So it is not an onerous task. But even if it were an onerous task, the thing we ought to be doing is getting the information with which to make good management decisions, which we continue to not want to have, so it can be an excuse so we can do what we want to do without knowing what the facts are.

Nobody would run any organization without trying to know about their assets. Yet we are going to refuse to list out and know what we own, where it is, where we are behind, what needs to get fixed, and what does not need to get fixed.

Common sense would dictate that if, in fact, you have a large number of assets and a limited budget, and it is going to get more limited as the years progress given the tremendous borrowing, the tremendous taxing that is getting ready to come about in this country, common sense would suggest we know what we are doing and that we have the information with which to make good decisions.

To defeat this amendment says we want to continue to go on blindly; we do not want to have the information at our fingertips with which to make good, informed decisions about where to put taxpayer dollars. The very fact that the GAO now says we have between a $13 and $19 billion backlog just on structures in national parks and that the Department of the Interior is so far behind and is growing about $400 million every 6 months in terms of its backlog and for us to not know what is there and what should be prioritized to me is the height of foolishness.

So we can defeat this amendment, and we can continue to go on blindly, making poor decisions because we are not making them within the perspective of the complete knowledge of what we own, what is important, and what should be prioritized. The Senate continues to refuse to prioritize its spending. The whole purpose behind this amendment is to give us the knowledge with which to make those decisions. But our political nature tells us we want an excuse so we do not have to make those good decisions. We do not want to have the information.

Consequently, we put the credit card in, we spend money not wisely, not fiscally responsibly, and we charge it to our grandkids. At some point in time it has to stop. Now, it is probably not going to stop with this amendment. But you would not run your personal household this way. If you had your own business, you would never run it this way. You would never want your city government to not know what it owned and what its backlogs were, you would have an accounting.

States do not do that. But we do that, and we do it at our own convenience, which I think is a shame. It belies our responsibility to future generations. It also belies the fact that we need the capability to make the tough choices. Not having this information means we will continue to make

choices that are politically expedient but are policy poor and policy foolish.

So I understand—actually I do not understand. Let me correct that. I do not understand why somebody would not want this information, and why—even though it is hard to get the first year, why we would not want it.

Now, 100 percent of the Senators agreed we ought to have the Federal Financial and Transparency Act where we put online where we are spending the money, 100 percent of us. We thought that was a good deal. Here is another step toward transparency we can make that will give us information, give the American people the information to judge us.

If we are going to put X money on a certain project, they ought to be able to see it in relationship to everything else we are doing. We are going to refuse to do that. I don't understand why. I don't have a clue to understand why we would not want factual information with which to make priority decisions in terms of the Department of Interior and in terms of national parks and forestland. It belies any sense of reality and any connection with common sense that we would refuse to do that.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I do not disagree with my colleague from Oklahoma that we should, as the Federal Government, know more about our assets, know more about our land and buildings, what it costs to manage and maintain them, to operate these properties. It is a reasonable request. Where he is going with this is something we should be working together to develop and perhaps refine the concept of what he is asking for through a freestanding bill. My concern with the amendment, as it is now, is that we have to make sure as we gain this information, we have a way to protect it. Right now it would be the Office of Management and Budget that has sole responsibility for making decisions in terms of military intelligence, Department of Energy facilities, and what gets included within public reports. That concerns me and, therefore, I will be objecting to the amendment.

AMENDMENT NO. 677

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 677 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Let me answer my colleague. There is an exception in this bill for anything of national intelligence or confidence, that it should not be related to the general public. It is already in there. So there is no problem where we would expose things we should not. It has been covered in the amendment. If Members truly believe we need to have the information, they need to be voting for the amendment. This is a wise approach to give us information we need to make cogent decisions.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I yield myself 1 minute.

Let me speak on that one issue. I think my colleague from Alaska is correct, this does involve a change in current law. It says that the decision as to what affects national security will be made by OMB for purposes of this inventory and display. It will not be made by agencies such as the Department of Defense, CIA, Department of Energy, and others that currently make those decisions. That is a mistake. It also specifies that items can be left out for national security reasons. The Executive order made clear that items could also be left out or should be left out if they involved foreign policy issues or safety issues for the public.

The amendment is not consistent with what I believe we ought to be doing in this area. I urge colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. To follow up with the Senator from New Mexico, we do recognize there is political sensitivity when we are asking for information regarding the military, our intelligence and security information. We want to make sure there are protections there. The Senator from Oklahoma is correct that there is that provision in the bill. But what it does is, it gives the Office of Management and Budget the authority to make the determination as to what will be included in this public report. I would be far more comfortable if it were the Department of Defense that made that determination, not the Office of Management and Budget. Again, the Senator from Oklahoma is correct in pushing us to look to make sure that we know where our assets are and how much it costs to operate and maintain and manage them. We should be looking to that in the future.

I will be opposing the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, that argument rings hollow. The two of you sitting right there have the power to amend and change this and fix it with what your concerns are. It hasn't been offered once. You say you are for it. You have the power to change it to meet what you think are problems with the amendment. Yet there has been no offer to do that. That says one of two things: Either you don't want us to have this information or you are claiming a false claim that there is a defect with the amendment. You have every ability to change this, offer an amendment, modify it with my consent to meet your needs, but it has never been offered. The real fact is, we don't want the information. We can't manage 650-plus million acres; we can't manage millions of facilities without the information. We are going to sit here in the dark of night and continue to throw darts, missing the dart board all the time with what we do when we don't have this information.

I yield back the balance of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. BINGAMAN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—58

Akaka	Feinstein	Murray
Alexander	Gillibrand	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Warner
Conrad	Martinez	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	
Feingold	Murkowski	

NAYS—39

Barrasso	DeMint	McCain
Bennett	Ensign	McCaskill
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker

NOT VOTING—2

Kennedy	Klobuchar

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 682

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 682 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, this amendment No. 682 is one I have advised the Senator from Oklahoma is acceptable to Senators on this side of the aisle.

Let me briefly describe what it does. It would modify the underlying provisions of the substitute amendment dealing with the protection of fossil resources on Federal land by making three changes. First, the underlying bill says the Secretary of the Interior or the Secretary of Agriculture may allow casual collecting of common fossils without a permit for personal use. That is consistent with the management policies of the Federal land in question. The Coburn amendment says it requires that the two Secretaries allow that casual collecting for personal use. Secondly, the Coburn amendment would remove a provision that would have authorized agencies under some circumstances to acquire new lands. Finally, the amendment removes a provision in the underlying bill that would have authorized forfeiture of any vehicle or equipment used by someone illegally removing fossil resources.

I think all three of these changes improve the bill and I support the amendment. I believe we can act on this with a voice vote, but I will leave it to the Senator from Oklahoma to make his statement.

Mr. COBURN. Madam President, the chairman is correct. I will gladly accept a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 682) was agreed to.

AMENDMENT NO. 683

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 683 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Madam President, we yield 2 minutes in opposition to this amendment to Senator FEINSTEIN from California.

Mrs. FEINSTEIN. Madam President, I thank the manager of the bill.

The Coburn amendment would destroy a court-approved settlement of an 18-year legal battle involving the release of water from the Friant Dam, from which 15,000 farmers get their water over the restoration of salmon in the San Joaquin Valley. The agreement is agreed upon by the Governor of California, the Department of the Interior, the Bureau of Reclamation, the water contractors. It has a broad consensus. The reason is because the belief is—and my belief is—that the Federal Government has lost the case and, therefore, the judge would order a huge release of water from this dam which would provide a lack of certainty for the farmers and would not provide for the salmon restoration.

The distinguished Senator from Oklahoma has argued against the settlement agreement—court approved—by saying its goal is 500 fish. Its goal is not 500 fish; it is 30,000. It is to restore a historic salmon fishery.

Secondly, under the settlement, the State of California relieves the Federal Government of a number of payments: $200 million from the State, and the water contractors pick up another $200 million, equaling $400 million, which the Federal Government would have had to have paid.

So this is a court settlement. It should stand. It is the right thing. I urge a no vote on the Coburn amendment.

Mr. KYL. Madam President, I rise in support of the Coburn amendment because it would eliminate the authorizations for a number of questionable projects. Given the exploding Federal budget deficits, we ought to forgo the millions of taxpayer dollars for such things as the 450th birthday celebration for St. Augustine, FL; a study to determine whether Alexander Hamilton's boyhood estate in St. Croix, Virgin Islands, should be designated as a new part of the National Park System; the maintenance of tropical botanical gardens in Hawaii and Florida; and a shipwreck exploration program. These authorizations are not urgent, have a tenuous Federal nexus, and could divert scarce Federal funds from more important safety and health programs.

Because the amendment eliminates authorizations for such programs, I am compelled to support it even though it would also eliminate a relatively more credible provision in the bill relating to the San Joaquin River Restoration Settlement Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I won't spend the time to refute all of what the distinguished Senator from California said, other than to note that in 1924 the salmon were gone from that river; before any of the water canals or anything else was built. We are going to spend $30,000 a fish based on the 300,000 salmon.

More importantly, this amendment talks about five total different earmarks in this bill. My office had a conversation with the mayor of St. Augustine, FL, this morning. Here are his words: I am really worried about the fiscal nature of this country. I am really worried that we are in real trouble, but I still want my money.

Well, the way a republic dies is when the constituency learns they can vote themselves money from the public Treasury regardless of what the overall financial situation of the country is. These are the main earmarks in this bill. The President has said he doesn't want a bill full of earmarks. This strips them all out. We can either do what the American people want—we can act fiscally responsibly—or we can continue the age-old process of putting our positions ahead of those of the constituents we represent.

With that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

Mr. BINGAMAN. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

Akaka	Gillibrand	Nelson (NE)
Alexander	Gregg	Pryor
Baucus	Hagan	Reed
Begich	Harkin	Reid
Bennet	Hatch	Risch
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Kohl	Shelby
Burris	Landrieu	Snowe
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Cochran	Martinez	Voinovich
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Crapo	Merkley	Whitehouse
Dodd	Mikulski	Wicker
Dorgan	Murkowski	Wyden
Durbin	Murray	
Feinstein	Nelson (FL)	

NAYS—27

Barrasso	DeMint	Johanns
Bayh	Ensign	Kyl
Brownback	Enzi	Lugar
Bunning	Feingold	McCain
Burr	Graham	McConnell
Chambliss	Grassley	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter

NOT VOTING—2

Kennedy	Klobuchar

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there is now 30 minutes of debate on the bill, equally divided between the Senator from New Mexico and the Senator from Alaska.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, let me take 5 of the 15 minutes we have. If you will advise me when that time is used.

In just a few minutes, the Senate will vote on final passage of H.R. 146, the Omnibus Public Lands Act. I believe our actions this week will make it

more likely that the House of Representatives will be able to consider and approve the Senate amendments expeditiously.

Today's vote will culminate many years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's cultural, natural, and historic resources. As I have observed before, when you take all of these bills together, I believe they represent the most significant conservation legislation passed by the Senate, at least in the last 15 years.

In addition, the bill will finally resolve three very important and complex water rights settlements in three different States and literally decades of litigation and controversy about that water. The wilderness and other conservation areas designated in the bill represent years and years of efforts by local citizens, through countless public meetings, in an effort to find a way to protect some of the most important scenic areas in their States, while balancing wilderness designations against other uses. In my opinion, the sponsors of these provisions have gone to great lengths to find that balance.

Some contend that the wilderness, national parks, wild and scenic rivers, and other conservation designations will frustrate our Nation's ability to develop new domestic energy supplies. I strongly disagree. We have gone to great lengths to assess the energy potential of the new areas, and in almost all cases the Bureau of Land Management has concluded that the wilderness areas do not have significant energy development potential.

The Energy and Natural Resources Committee which I am privileged to chair and of which Senator MURKOWSKI is ranking member is assembling a comprehensive energy bill. We hope to bring it to the Senate floor for consideration soon. That bill will provide an opportunity to promote programs to expand the development of domestic energy resources.

I believe the question of whether we should protect our Nation's natural and cultural heritage or instead develop our energy and other resources is a false choice. They are mutually exclusive goals. We can accomplish them both.

A former Senator from my State, who also chaired the then-Interior Committee in the Senate, once said the following:

> Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich Nation, tending our resources as we should—not a people in despair searching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water.

Let me also indicate that there are many provisions in this bill that are of particular importance to my State: the Navajo Nation Indian Water Rights Settlement; the Eastern New Mexico Rural Water Project; the Rio Grande Pueblo Irrigation Infrastructure legislation; the SECURE Water Act, which has national implications but is important to my State as well; Prehistoric Trackways National Monument; Fort Stanton-Snowy River Cave National Conservation Area; Sabinoso Wilderness, which Senator UDALL has spearheaded; Rio Puerco Watershed Act; and also the Forest Landscape Restoration Act.

This bill will have a far-reaching and positive impact on New Mexico's precious and scarce water resources. The most significant provision is the settlement of the Navajo Nation's water rights claims in the San Juan River basin.

This settlement will avoid conflicts, risks, and costs that would be borne by the Navajo Nation, individual water users, municipalities, the State of New Mexico, and the Federal Government if the Navajo claims were litigated infull. Instead, defining the Navajo Nation's water rights by agreement will improve water management in the basin and ensure that future water demands can be addressed through an efficient administrative process.

Most important, however, is that the settlement will provide a sustainable water supply to Navajo communities in the eastern portion of the Navajo Reservation. Currently, 40 percent of the population on the reservation—approximately 70,000 people—must haul water for use in their homes. This situation has resulted in serious health, education, and economic consequences for the Navajo people. This legislation will begin to address these issues, as well as the United States' obligations to the Navajo Nation.

On the opposite side of the State, several communities are facing an uncertain water future due to falling levels of groundwater in the Ogallala aquifer. To address this problem, the bill authorizes the Bureau of Reclamation to help develop the Eastern New Mexico Rural Water System. This project will use an available water supply in Ute Reservoir to provide communities in eastern New Mexico with a renewable water supply and the long-term security that is critical to the region's future. As a measure of its importance, the State of New Mexico already has provided about $8 million to develop the project. Enacting this legislation will help communities in Curry and Roosevelt Counties secure the water needed to sustain current economic activity and support future development in the region.

In the heart of New Mexico is the Rio Grande. Over the past decade, there have been many conflicts over this magnificent, but limited resource. Conserving water and improving inefficient infrastructure has been a key factor in minimizing these conflicts. Unfortunately, Native Americans residing in the Rio Grande basin have not benefited greatly from these improvements. This bill will change that situation by directing the Bureau of Reclamation to work with the Rio Grande Pueblos to assess irrigation infrastructure and initiate projects to rehabilitate and repair such infrastructure on Pueblo lands.

By focusing Federal resources and expertise on this problem now, the Federal Government, as part of its trust responsibility, will help prevent further deterioration of Pueblo irrigation systems and avoid additional rehabilitation costs in the future. The Pueblos will benefit markedly from increased agricultural productivity, increased water conservation, and safer facilities. More importantly, however, these improvements will help the Pueblos to sustain their historical way of life, both economically and culturally. Finally, the overall health of the Rio Grande basin will likely benefit through increased efficiency in water use.

The final water provision I want to mention is one that will benefit New Mexico and many other States. The SECURE Water Act is based on the view that effectively addressing water issues requires a better understanding of the resource, and increasing the efficiency of its use. For that reason, the bill seeks to strengthen the national streamflow program, improve ground water monitoring efforts, enhance our understanding of water uses and availability, and provide grants to implement water conservation and efficiency projects.

It also will improve our understanding of the impacts of climate change on water and ensure that adaptation strategies are formulated and implemented. This is particularly important in New Mexico, where one recent study by researchers at the University of New Mexico and New Mexico State predicts that surface water in the Rio Grande basin could decline by as much as 12 percent by 2030 and 33 percent by 2080.

New Mexico will also benefit from a number of important public land provisions, including the designation of a new national monument.

The Prehistoric Trackways National Monument in Doña Ana County, New Mexico, will protect a remarkable ''megatracksite'' of 290 million-year-old fossils. This site of worldwide scientific significance has preserved the trackways of some of the earliest creatures to make their way out of the ocean, which will help fill in the gaps left from studying only their fossilized bones.

Las Cruces resident Jerry MacDonald first brought the find to light in 1988, and thanks to a more recent discovery by MacDonald, we now know that the National Monument also will protect a well-preserved 290 million-year-old petrified forest where three new species of trees already have been discovered. The local curation of these specimens should provide unique scientific and educational opportunities for the surrounding community and visitors to the region.

The Fort Stanton-Snowy River Cave National Conservation Area in Lincoln

County, NM, will permanently protect the cave system, including a passageway containing a more than 4-mile-long continuous calcite-crystal river bed, a unique formation that is believed to be the longest one of its kind in the world.

While exploration of this cave began centuries ago, it was not until 2001 that volunteers with the Fort Stanton Cave Study Group discovered the Snowy River passageway, which defied their wildest expectations. This discovery already has yielded valuable scientific research in hydrology, geology, and microbiology, the last of which may even have applications in interplanetary exploration. We will be proud to include the Fort Stanton-Snowy River Cave on New Mexico's prestigious list of world-class sites.

The bill also includes legislation spearheaded by Senator TOM UDALL—the designation of the 16,000 acre Sabinoso Wilderness in San Miguel County, NM. The Sabinoso Wilderness will protect a rugged and beautiful landscape that provides important wildlife habitat and represents an important watershed to our State.

New Mexico is the home of the first congressionally designated wilderness area, and the Sabinoso Wilderness represents a well-deserved addition to the National Wilderness Preservation System. I hope our efforts to permanently protect this area will ensure that future generations can enjoy this outstanding public resource.

This bill also will reauthorize the Río Puerco Watershed Act, which formalized the Río Puerco Management Committee in New Mexico. The committee has become one of the most effective collaborative land management efforts in the Southwest. And for more than 10 years, it has helped facilitate the restoration of the highly degraded Río Puerco Watershed, the largest tributary to the Río Grande. There is much more work to be done to restore this watershed, and this legislation will assist the committee in that effort.

Title IV of the bill—the Forest Landscape Restoration Act—holds great promise for our fire-dependant forests and communities in New Mexico and across the country. Wildfire activity and suppression costs have grown dramatically in recent years. The affects of global warming are increasingly impacting forest and watershed health. And communities across the country are struggling economically.

This legislation will establish a program to select and fund collaborative landscape-scale forest restoration projects that will improve forest health, reduce wildfire management costs, and benefit local economies. The positive response that we have seen from Members of Congress, State and local officials, and communities across the country speaks to the importance of these issues and the promise of this approach. I hope we can quickly provide funding to implement the legislation, as we cannot afford to wait to begin this critical work.

It is past time for us to enact these measures to provide water to our communities, to protect our natural wonders, and to restore our natural resources. Many New Mexicans have worked for years to see these provisions enacted into law, and I am pleased the Senate is taking the important steps toward achieving that goal.

I yield the remainder of my time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, as we conclude the debate on this public lands package, I think it is important to remind colleagues of perhaps a few facts—a little bit of the history as to how we got here.

As the chairman of the Energy Committee indicated, this omnibus public lands package consists of 160 bills and what they represent in terms of the legislation and efforts of communities, of individuals, of groups, of legislators, to come to a point where they may finally be seeing a resolution on the issues they have been working on, and I think it is important to put this into context.

One of the measures in this public lands package that relates to my State is an issue we have been working on—a land exchange—for almost two decades now in an effort to try to resolve it. Through a great deal of compromise with agencies, with public interest groups, and with policymakers, we have legislation that we believe works.

My colleague from Utah, Senator BENNETT, has been working on a provision that he, too, acknowledges has been over 10 years in the making. My colleague, Senator CRAPO, from Idaho, has been working on legislation that has been 8 years in the process. We on the Energy Committee have been working with Members to try to advance good projects and legislation that work in their respective States.

Our public lands States are a little different from what we see on the East Coast. When you have 60 percent of the land in your State owned by the Federal Government, oftentimes just getting a transaction approved requires an act of Congress. So what we have today in this package, big as it is, is a culmination of countless years of work by lawmakers in this body. It is time that we advance many of these very important measures.

This bill is a very bipartisan measure. It is, as I say, 160 bills, but there are both Republican sponsors and Democratic sponsors. It is the work of a lot of compromise on both sides. All but a handful of these bills within the Energy Committee's jurisdiction were ordered reported by the committee on a unanimous voice vote.

We need to recognize that this is not the work of the 111th Congress. It is not even the work of the 110th. It was before that. This is carryover work in an attempt to take care of a lot of unfinished business.

I am optimistic that this bill will pass both this body and the other body and be finally signed into law. I am also optimistic that the 111th Congress can then make a fresh start with public lands legislation and perhaps find a better way to reach consensus on these types of bills. I hope the process for consideration of this package today is a harbinger of the future.

The package we have contains language that the House had sought to add to clarify that access to recreation, including hunting, fishing, and trapping, would not be limited by land designations in this bill. This language was bipartisan and bicameral, and the support truly is there.

The amendments Senator COBURN brought before this body—six serious, relevant amendments—while I have not agreed with the specifics of some of those amendments we have considered, I do take the issues and the concerns raised by them very seriously. I always have and will continue to commit to continue to do so in the Committee on Energy and Natural Resources; as we look to legislation in the future, whether it is the issue of prioritization or acknowledging an inventory of what we own, what we are required to operate and maintain is something that is worthwhile to pursue.

Some of the issues that were raised—for instance, that of eminent domain, locking up our Nation's energy resources—these are issues that are clearly legitimate. But I suggest a broad-brush or one-size-fits-all prohibition does not work in the real world.

The bills in this package were carefully evaluated for these and so very many concerns as they went through the committee. The Energy Committee is very concerned. Our focus is on access to our Nation's energy resources. There was that consideration made bill by bill.

The last comment I wish to make is, it has been suggested that somehow or another this lands package is a Federal land grab. In fact, the bill actually transfers over 23,000 acres of Federal land into the private or State sectors through conveyance, exchange or sale. In most instances, the Federal Government is giving more land into private hands than they are getting or the exchanges are of equal acres or equal value.

Again, I will not suggest the process we have gone through has been the easiest. It is difficult when you have the number of bills we have and issues that are contentious and that require a great deal of effort and compromise. But the product before this body today is one where I would agree with our chairman of the Energy Committee, it does help to protect our country's great assets, it does allow for better enhancements of our public lands, and I think it is worthy of consideration by this full body. I encourage its support.

I yield the floor.

Mr. LEVIN. Madam President, today's vote will mark the second time in 2 months the Senate has passed the Omnibus Public Land Management

Act. On January 15, the Senate passed a similar bill, which encompasses over 150 bills related to our Nation's natural, historic, and recreational resources. While I am pleased the Senate will again pass this legislation, I am disappointed this widely supported bill has required nearly 2 weeks of Senate floor time during a time of severe economic crisis.

The omnibus public land bill includes four provisions I authored that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

First, the bill would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail, the nation's longest hiking trail, 1,000 miles of which traverse through Michigan. This trail also runs through New York, Pennsylvania, Ohio, Wisconsin, Minnesota, and New York, with a total length of 4,650 miles. For the majority of the other national scenic and historic trails, the Federal Government has land acquisition authority, but for no good reason this authority has not been available for the North Country Trail. Willing sellers, in many cases public-spirited citizens, should have the right to sell easements or even portions of their land to the Federal Government should they choose to do so and if it is in the national interest. In addition to important trail linkages, with willing seller authority, sections of the current trail could be moved from roads where hikers and other trail users are unsafe. I have been working on this willing seller legislation for nearly 10 years, and I am pleased that it is going to be approved by the Senate again today.

Second, the omnibus public lands bill also includes legislation I sponsored last Congress to improve the Keweenaw National Historical Park, located in Michigan's Upper Peninsula. Established in 1992, this unique park, with nearly 20 independently operated heritage sites, preserves and interprets the incredible story of copper mining and production in Michigan's Keweenaw Peninsula that powered the Industrial Revolution. This legislation would enable the park to better carry out its statutory mission to preserve and bring to life the vibrant history of Michigan's ''copper country.'' Specifically, the legislation would change the onerous matching requirement for federal funds from a 4:1 ratio to a 1:1 ratio, which is typical for most other Park System units that require a non-federal funding match. The legislation would also increase the authorized level of funds to be appropriated for the park to enable the preservation, restoration, and interpretation of the numerous historical properties within the park boundaries. Finally, the legislation would eliminate an overly restrictive prohibition on the Department of the Interior from acquiring certain lands. Making these changes would improve the visitors' experience, preserve important historic resources, and help with economic revitalization of the Keweenaw Peninsula.

Third, the bill provides important protections for about 16 percent of the land—or 12,000 acres—within the Pictured Rocks National Lakeshore, located in Michigan's Upper Peninsula along the south shore of majestic Lake Superior. This wilderness legislation, which I introduced during the last Congress, provides natural resource protection while also ensuring that recreational opportunities and access are maintained. The wilderness designation was proposed by the Park Service after 5 years of careful planning and extensive public consultation. As a result of that open process, the final wilderness designation was changed from the initial proposal to respond to many of the concerns expressed by citizens. For example, the access roads to the lakes and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, motor boats would still be able to access the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. Since 1981, the Beaver Basin area has been managed as a backcountry and wilderness area, and this wilderness designation would ensure that the valuable habitat and pristine natural features of the region remain the treasure and peaceful sanctuary they are today.

Finally, the omnibus lands legislation contains a bill that I sponsored in the Senate last year as a companion to Representative JOHN DINGELL'S legislation in the U.S. House of Representatives that would designate land on which the battles of the River Raisin were fought, during the War of 1812, as a unit of the National Park System. This land, in Monroe County and Wayne County, MI, includes sites related to a significant set of battles in an area that was once considered part of the ''Northwest,'' a key strategic front in the War of 1812. By designating this land as a unit of the National Park System, the public will have an opportunity to learn about these battlefield sites. While horrific actions took place at the River Raisin, these events prompted a rallying cry that became a turning point in the War of 1812, which is often called America's ''Second War of Independence.'' I look forward to this legislation becoming law in time for the national celebration that will take place on the 200th anniversary of the War of 1812.

I am hopeful the House will also pass this legislation and the President will sign it into law so that we can wrap up one of the major pieces of unfinished business from the last Congress, which will benefit Michigan and the Nation by improving the preservation of and access to important natural, historic, and recreational resources.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, before the Senator from Oklahoma has the final say, which he certainly should, let me say there are a great many people, excellent staff working for the Democratic side of the Energy and Natural Resources Committee and staff working for Senator MURKOWSKI on the Republican side of the committee who deserve great credit. We enumerated those staff when we dealt with this legislation 2 months ago, and we will do so again in the RECORD. Let me particularly indicate David Brooks here with me and Kara Finkler as the two who have done the most to make this possible. Without their good work, this would not be legislation coming up for final consideration.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, just to add to the comments of Senator BINGAMAN, it is appropriate that we acknowledge our staff. I appreciate him doing so. I thank those who worked on the Republican side as well. But I also wish to acknowledge some of the Members on our side who have been very dogged in an effort to reach final compromise on this legislation.

Senator CRAPO from Idaho has been diligent in his efforts, working alongside Senator BENNETT from Utah and Senator KYL. I appreciate their efforts in getting us to where we are today.

Mr. BINGAMAN. Madam President, let me add two additional individuals to the list of folks I particularly mentioned by name. Mike Connor, who is responsible for all the water rights legislation contained in the legislation in the Secure Water Act, I note for my colleagues that he has been named just today as the President's choice to be head of the Bureau of Reclamation, which I think is a great thing for the country; and Scott Miller, who worked very hard on the forest issues involved with this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I have just a few observations before we start the vote. This has been a long process on this bill. I appreciate the pain and patience of the chairman of the committee. He has been a gentleman to work with all the time in our discussions.

I also note for the Senate that over 70 of these bills could have gone by unanimous consent, but because we chose to have a procedure where up until now, over the last 2 years, no amendments were ever allowed to be offered on any of these bills—none; it was never an option—we have taken approximately 7 weeks on something we could have done in 2 weeks if we had an open amendment process like the Senate is supposed to. We find ourselves ping-ponging between the House and the Senate because we want to avoid the very purpose for which we

are here, which is open debate and amendment.

It should be a lesson to us. The American people win when there is a debate. They lose when we use unanimous consent to pass something that is controversial. To say it is not, the average we got on our amendments was 31 votes. That is almost a third of the Senate. So to say we should pass legislation by unanimous consent when a third of the Senate does not agree, I would say there is a great lesson for us and that is, let's open up, let's have a debate, let's put a short period of time on it, and let's not have to use procedures to try to, in fact, get a debate for the American people.

I will also say, in looking at this bill, what have we done? There are a lot of good provisions in this bill. I am not opposed to half of this bill. Half of this bill I am adamantly opposed to.

I was thinking, as we recognize the Republican and Democratic staff, who is representing truly the American people rather than parochial interests and what staff worked on that? We went through this. We rejected transparency for the American people. We rejected the ability to know what we have and how to deal with it and how to manage it. We have said no by a vote of this body that we are not going to do that; we like the darkness, the lack of accountability, the lack of transparency that goes to the American people. We rejected eliminating earmarks. Every appropriator voted against that amendment, even though the President says and the American people say that is not the way they want to do business. But we rejected it.

We have rejected significant amounts of potential renewable energy. Ninety percent of all geothermal, potential renewable clean energy, is put at risk by what we are doing. I know that is disputable, but our own Secretary of the Interior this week said we should not put the cart before the horse. We should have good planning on where we are going with transmission lines, the grids, and everything else, so we can take advantage of solar, wind, and geothermal. But yet we have rejected that.

We have rejected prioritizing the needs of our national parks. That is what the Senate has done this week. We said: No, we are not going to do that, if we want to do something new, even though we have between $12 billion and $19 billion worth of backlogs, as the Government Accountability Office said we have significant health and safety risks for our employees and the American public who visit our parks—we rejected that. We said: No, we should not take care of what we have now before we start something new. We have done exactly the opposite of what the average American would be doing with their own assets.

The other thing we have done is we have taken a large amount of oil and natural gas and said you can never touch it again. Let me emphasize why. Of the 80 wilderness bills my colleagues put in this legislation, 35 of them, under the Wilderness Study Area they said they never should be put into the wilderness, and my colleagues put them in the wilderness anyway.

The whole project of having the Wilderness Study Area is to use the study to determine if an area should be wilderness. Not counting Colorado and Utah, my colleagues put 448,000 acres into wilderness that the study says should never go into wilderness area because they have significant oil and gas and other energy.

We rejected the process by which we do it because parochial interests have trumped the national energy needs of this country, and that does not count Colorado and Utah. Utah has a significant area. So probably well over 35 percent of all the land my colleagues have taken away and said forever we are never going to touch, we are never going to utilize the natural resources that this country could utilize when we are sending $400 billion a year overseas for carbon-based energy which we are going to do for the next 20 years no matter what, you have taken it away. You said never.

As I said earlier, you have taken clean renewables. We don't know what the percentage is but a significant percentage of geothermal for sure. A bill is going to be introduced that is going to take several hundred thousand acres out of the California desert by the Senator from California which is prime land for solar. It is getting ready to be introduced so that can never be touched.

We have to have energy, and we are ignoring assets that we have. We are putting into wilderness area assets that have significant energy. We are ignoring the process under which we said we would make those determinations. When well over 35 of the 80 were recommended they not be put into wilderness area, what are the American people to think? Where is the common sense to say maybe we ought to plan for the future? Maybe we ought to look and say: If we are going to go to a renewable portfolio totally of energy in this country, how long is it going to take us to get there and what do we need in between now and then to do that?

We are not making good long-term decisions with this bill. We are handicapping ourselves, and we are telling the Middle East: Go ahead and jack it up because we are going to limit our options with which we can balance energy needs in this country by what we are doing in this bill.

Finally, we have said in this bill eminent domain is going to be utilized. We say we are not going to do it, but we certainly said: American landowner, if we are there and if we decide we want to do something, we are going to keep it.

The fact is, one of the most painful things that occurs to an American citizen in this country is your land, without your permission, even though you are paid an equitable price for it, is taken from you. We said that is fine. We rejected that. Thirty-five Senators voted to not reject it but 60-some voted to reject it.

Let me summarize. We like our earmarks. We don't want to think long term on energy. We reject policies that say we should not put land into the wilderness area, but we do it anyway. We have taken away our ability to handle the next energy crisis, which is coming. We have told the American people we are going to keep eminent domain and, by the way, it doesn't matter if you own property, we will take it if we need it.

Besides all that, we have now more land area in wilderness in this country than we have developed land. There is 108 million acres now in wilderness in this country and only 106 million acres of developed land. When do we have enough? When do we stop tying our arm behind our back in terms of energy, whether it is renewable or carbon based? When do we do that? Is it wise and prudent to say we should not leave all options on the table for our energy needs for the future, whether it is green energy or traditional energy? Why would we send that signal to the rest of the world? And why would we do that to the American taxpayers?

What is going to happen on energy prices in this country is natural gas is going to double in the next 2 years, and it is going to double for a couple of reasons. One is because they cannot afford to drill for it right now at $4. No. 2, we are taking a large swath, 13 million cubic feet, one area you have isolated, enough to run this country for 2½ years. It is proven, we know it is there, it is easy to get out, we don't have to do a whole lot more drilling, but you can't have it. We have taken 300 million barrels of oil in that same area and said: America, you can't have it. We know its there, its not hard to get out, but you can't have it. And that is just in one of the ranges we are setting off to the side and not making available to the American public to lower their energy costs, to balance the supply-and-demand imbalance we will see in the future.

It is important that this bill was put together by combining what individuals wanted for their States. I know some of these land and water rights issues are complicated. I know the exchanges are hard, and I know protecting things in the right way is important. I know it is to the Senator from Idaho, the Senator from Alaska, and the Senator from New Mexico. But when does the overall best benefit for the American people start trumping things around here instead of what we want parochially?

I think we have two diseases. I think we have attention deficit disorder in the Senate to what the real problems are, so I think we need to be in a 12-step program to correct that. Then I think we have hyperparochialism in the sense that what is most important

is what is important in my State; be danged what happens to the rest of the country.

Our country is failing in a lot of areas now, and most of it is our fault. But what we will ultimately fail on is when we start thinking more about individual States than the best long-term benefit for the country. This bill is a classic example where we put parochial interests ahead of the long-term interests of the country.

I worry about the grandchildren of this country. This is an $11 billion bill with $900 million in mandatory spending. When we have all these things we need to do that are a much higher priority, we are going to do this now. I am disappointed in us because we don't think long term, that we think short term. It is beneath the oath we take when we continue to do this. I want to be proud of what we do, and I want us to be above the influence of any short-term, any parochial, or any political decision.

The people in this body know me, that I go after Republican projects as much as Democrats. I go on the basis of what I think is in the best long-term interest. That is not to say my colleagues don't too, but as a collective body we have not been doing that. And we are not going to fix the real problem in our country, which is the economy. It is amazing to me that we are spending time on this bill instead of fixing the economic problems of this country; that we are sitting here and we have spent a total of 7 weeks in the last 3 or 4 months on this bill rather than working on the real problems and the real needs of this country.

The long-term future of our country is at great risk today, and I am not just talking economically. When we choose to protect home—i.e. State or city or earmark—at the expense of the long-term interest of our country, we won't last. What has made this country great throughout its years is we have had leaders who have said: The heck with my position. What is best for the country should come first.

The irony of that—and it is really paradoxical—is, when people see that, we restore confidence. When they see the opposite of that, they lose confidence in us. And we ought to be about restoring the American people's confidence. They are rattled today. They are rattled over the economy. They are rattled over their confidence in us, and we ought to be about restoring that. I don't think this bill does that.

I appreciate the patience of my colleagues. I have great respect for you. I know your sincere desires. But I truly think we need some coaxing to get our eye back on the ball.

Madam President, I yield the floor—I understand we will not vote until 12:20—and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Madam President, I am informed the time to vote has arrived, and I yield back any time that remains on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all time having expired, the substitute amendment, as amended, is agreed to.

The question is on the engrossment of the amendment, as amended, and third reading of the bill.

The amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The bill having been read the third time, the question is, Shall it pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—77

Akaka	Enzi	Murray
Alexander	Feingold	Nelson (FL)
Barrasso	Feinstein	Nelson (NE)
Baucus	Gillibrand	Pryor
Bayh	Gregg	Reed
Begich	Hagan	Reid
Bennet	Harkin	Risch
Bennett	Hatch	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Corker	McCaskill	Webb
Crapo	Menendez	Whitehouse
Dodd	Merkley	Wicker
Dorgan	Mikulski	Wyden
Durbin	Murkowski	

NAYS—20

Brownback	Ensign	Kyl
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Thune
Cornyn	Isakson	Vitter
DeMint	Johanns	

NOT VOTING—2

Kennedy	Klobuchar

The bill (H.R. 146), as amended, was passed, as follows:

H.R. 146

Resolved, That the bill from the House of Representatives (H.R. 146) entitled ''An Act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.'', do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Public Land Management Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled ''Big Draft Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Big Draft Wilderness''.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled ''Cranberry Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97–466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled ''Dolly Sods Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled ''Otter Creek Expansion Proposed Wilderness'' and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled ''Roaring Plains Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Roaring Plains West Wilderness''.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled ''Spice Run Proposed Wilderness'' and dated March 11, 2008, which shall be known as the ''Spice Run Wilderness''.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Laurel Fork South Wilderness designated

by section 1(3) of Public Law 97–466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled ''Monongahela National Forest Laurel Fork South Wilderness Boundary Modification'' and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) MANAGEMENT.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) IN GENERAL.—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled ''Monongahela National Forest Boundary Confirmation'' and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term ''nonmotorized recreation trail'' means a trail designed for hiking, bicycling, and equestrian use.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) SCENIC AREAS.—The term ''scenic areas'' means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking ''System—'' and inserting ''System:'';

(2) by striking ''certain'' each place it appears and inserting ''Certain'';

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking ''; and'' and inserting a period; and

(5) by adding at the end the following:

''(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain East Wilderness'.

''(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain Wilderness'.

''(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated April 28, 2008, which shall be known as the 'Raccoon Branch Wilderness'.

''(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated April 28, 2008, which shall be known as the 'Stone Mountain Wilderness'.

''(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Hunting Camp Creek Wilderness'.

''(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Garden Mountain Wilderness'.

''(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

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

''(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

''(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).''.

(b) DESIGNATION OF WILDERNESS STUDY AREA.—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) is amended—

(1) in the first section, by inserting ''as'' after ''cited''; and

(2) in section 6(a)—

(A) by striking ''certain'' each place it appears and inserting ''Certain'';

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking ''; and'' and inserting a period; and

(D) by adding at the end the following:

''(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled 'Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the 'Lynn Camp Creek Wilderness Study Area'.''.

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled ''Kimberling Creek Additions and Potential Wilderness Area'' and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

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

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled ''Seng Mountain and Raccoon Branch'' and dated April 28, 2008, which shall be known as the ''Seng Mountain National Scenic Area''; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the

map entitled ''Bear Creek'' and dated April 28, 2008, which shall be known as the ''Bear Creek National Scenic Area''.

(b) PURPOSES.—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as ''open seasonally''.

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

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

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

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) STATE.—The term ''State'' means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled ''Badger Creek Wilderness—Badger Creek Additions'' and ''Badger Creek Wilderness—Bonney Butte'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled ''Bull of the Woods Wilderness—Bull of the Woods Additions'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled ''Clackamas Wilderness—Big Bottom'', ''Clackamas Wilderness—Clackamas Canyon'', ''Clackamas Wilderness—Memaloose Lake'', ''Clackamas Wilderness—Sisi Butte'', and ''Clackamas Wilderness—South Fork Clackamas'', dated July 16, 2007, which shall be known as the ''Clackamas Wilderness''.

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled ''Mark O. Hatfield Wilderness—Gorge Face'' and ''Mark O. Hatfield Wilderness—Larch Mountain'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled ''Mount Hood Wilderness—Barlow Butte'', ''Mount Hood Wilderness—Elk Cove/Mazama'', ''Richard L. Kohnstamm Memorial Area'', ''Mount Hood Wilderness—Sand Canyon'', ''Mount Hood Wilderness—Sandy Additions'', ''Mount Hood Wilderness—Twin Lakes'', and ''Mount Hood Wilderness—White River'', dated July 16, 2007, and the map entitled ''Mount Hood Wilderness—Cloud Cap'', dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally

depicted on the map entitled ''Roaring River Wilderness—Roaring River Wilderness'', dated July 16, 2007, which shall be known as the ''Roaring River Wilderness''.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled ''Salmon-Huckleberry Wilderness—Alder Creek Addition'', ''Salmon-Huckleberry Wilderness—Eagle Creek Addition'', ''Salmon-Huckleberry Wilderness—Hunchback Mountain'', ''Salmon-Huckleberry Wilderness—Inch Creek'', ''Salmon-Huckleberry Wilderness—Mirror Lake'', and ''Salmon-Huckleberry Wilderness—Salmon River Meadows'', dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled ''Lower White River Wilderness—Lower White River'', dated July 16, 2007, which shall be known as the ''Lower White River Wilderness''.

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated July 16, 2007, is designated as the ''Richard L. Kohnstamm Memorial Area''.

(c) POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.—

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as ''Potential Wilderness'' on the map entitled ''Roaring River Wilderness'', dated July 16, 2007, is designated as a potential wilderness area.

(B) MANAGEMENT.—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

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

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled ''Mount Hood Wilderness—Tilly Jane'', dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.—On acquisition by the United States, the approximately 160 acres of land identified as ''Land to be acquired by USFS'' on the map entitled ''Hunchback Mountain Land Exchange, Clackamas County'', dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

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

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

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) DESCRIPTION OF LAND.—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the ''Secretary'') may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

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

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

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

''(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

''(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

''(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

''(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

''(176) FIFTEENMILE CREEK, OREGON.—

''(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

''(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

''(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

''(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

''(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

''(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

''(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

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

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

''(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be

administered by the Secretary of Agriculture as a recreational river.''.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the ''Columbia River Gorge National Scenic Area Act'' (16 U.S.C. 544k(a)(4)) is amended by striking ''for a period not to exceed twenty years from the date of enactment of this Act,''.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled ''National Recreation Areas—Mount Hood NRA'', ''National Recreation Areas—Fifteenmile Creek NRA'', and ''National Recreation Areas—Shellrock Mountain'', dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

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

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

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

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

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

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

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

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

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as ''BLM Lands'' on the map entitled ''National Recreation Areas—Shellrock Mountain'', dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

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

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Crystal Springs Watershed Special Resources Management Unit'', dated June 2006 (referred to in this subsection as the ''map''), to be known as the ''Crystal Springs Watershed Special Resources Management Unit'' (referred to in this subsection as the ''Management Unit'').

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

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

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

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as ''HES 151'' on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

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

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

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

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

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

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as ''Cloud Cap Road'', which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—

(A) EFFECT.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the ''Crystal Springs Zone of Contribution'' by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) COOPERATION.—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the ''Crystal Springs Zone of Contribution''.

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

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

(A) the approximately 1,580 acres, as generally depicted on the map entitled ''Upper Big Bottom'', dated July 16, 2007; and

(B) the approximately 280 acres identified as ''Cultus Creek'' on the map entitled ''Clackamas Wilderness—South Fork Clackamas'', dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

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

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

(B) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

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

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ''County'' means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Cooper Spur/Government Camp Land Exchange'', dated June 2006.

(C) FEDERAL LAND.—The term ''Federal land'' means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) MT. HOOD MEADOWS.—The term ''Mt. Hood Meadows'' means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as ''Land to be acquired by USFS'' on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

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

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange'', dated June 2006.

(B) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as ''USFS Land to be conveyed'' on the exchange map.

(C) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcels of land consisting of approximately 40 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(D) PORT.—The term ''Port'' means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

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

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term ''County'' means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Hunchback Mountain Land Exchange, Clackamas County'', dated June 2006.

(C) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as ''USFS Land to be Conveyed'' on the exchange map.

(D) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land consisting of approximately 160 acres identified as ''Land to be acquired by USFS'' on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

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

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

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

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

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

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

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

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

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

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

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

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

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose

of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

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

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

(2) in paragraph (29), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled 'Proposed Copper Salmon Wilderness Area' and dated December 7, 2007, to be known as the 'Copper Salmon Wilderness'.''.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the ''Secretary'') shall file a map and a legal description of the Copper Salmon Wilderness with—

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

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

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''19-mile segment'' and inserting ''29-mile segment'';

(2) in subparagraph (A), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

''(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

''(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

''(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.''.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term ''Box R Ranch land exchange map'' means the map entitled ''Proposed Rowlett Land Exchange'' and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term ''Bureau of Land Management land'' means the approximately 40 acres of land administered by the Bureau of Land Management identified as ''Rowlett Selected'', as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term ''Deerfield land exchange map'' means the map entitled ''Proposed Deerfield-BLM Property Line Adjustment'' and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term ''Deerfield parcel'' means the approximately 1.5 acres of land identified as ''From Deerfield to BLM'', as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term ''Federal parcel'' means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as ''From BLM to Deerfield'', as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term ''grazing allotment'' means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term ''grazing lease'' means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term ''Landowner'' means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term ''lessee'' means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term ''livestock'' does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term ''Monument'' means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term ''Rowlett parcel'' means the parcel of approximately 40 acres of private land identified as ''Rowlett Offered'', as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE.—The term ''State'' means the State of Oregon.

(15) WILDERNESS.—The term ''Wilderness'' means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Soda Mountain Wilderness'' and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

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

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

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

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) CONDITIONS.—

(1) IN GENERAL.—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

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

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Soda Mountain Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

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

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

(2) FORCE AND EFFECT.—

(A) IN GENERAL.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term ''account'' means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) COUNTY.—The term ''County'' means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term ''Owyhee Front'' means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term ''plan'' means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) PUBLIC LAND.—The term ''public land'' has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Idaho.

(8) TRIBES.—The term ''Tribes'' means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled ''Little Jacks Creek and Big Jacks Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Big Jacks Creek Wilderness''.

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled ''Bruneau-Jarbidge Rivers Wilderness'' and dated December 15, 2008, which shall be known as the ''Bruneau-Jarbidge Rivers Wilderness''.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled ''Little Jacks Creek and Big Jacks Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Little Jacks Creek Wilderness''.

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled ''North Fork Owyhee and Pole Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''North Fork Owyhee Wilderness''.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled ''Owyhee River Wilderness'' and dated May 5, 2008, which shall be known as the ''Owyhee River Wilderness''.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled ''North Fork Owyhee and Pole Creek Wilderness'' and dated May 5, 2008, which shall be known as the ''Pole Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

''(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(182) BRUNEAU RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

''(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

''(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

''(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

''(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

''(191) OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

''(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

''(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.''.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the ''Owyhee Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as ''Proposed for Acquisition'' on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall

complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Sabinoso Wilderness'' and dated September 8, 2008.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Sabinoso Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

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

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

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) GRAZING.—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) ACCESS.—

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N ½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) WITHDRAWAL.—Subject to valid existing rights, the land generally depicted on the map as ''Lands Withdrawn From Mineral Entry'' and ''Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry'' is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

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

(3) operation of the mineral materials and geothermal leasing laws.

(e) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—The term ''line of demarcation'' means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term ''map'' means the map entitled ''Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary'', numbered 625/80,051, and dated April 16, 2007.

(3) NATIONAL LAKESHORE.—The term ''National Lakeshore'' means the Pictured Rocks National Lakeshore.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WILDERNESS.—The term ''Wilderness'' means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Beaver Basin Wilderness''.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

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

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term ''District'' means the Central Oregon Irrigation District.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Oregon.

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

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Oregon Badlands Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as ''Potential Wilderness'', is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

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

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

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as ''Clarno to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as ''Federal Government to Clarno''.

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

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as ''COID to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as ''Federal Government to COID''.

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

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

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

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

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Oregon.

(3) TRIBES.—The term ''Tribes'' means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Spring Basin Wilderness with Land Exchange Proposals'' and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Spring Basin Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

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

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

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R. 19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from the CTWSIR to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to CTWSIR''.

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

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from McGreer to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to McGreer''.

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

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Keys to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Keys''.

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

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Bowerman to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Bowerman''.

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

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

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

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

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term ''Forest'' means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) TRAIL.—The term ''Trail'' means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as ''Hoover East Wilderness Addition,'' ''Hoover West Wilderness Addition'', and ''Bighorn Proposed Wilderness Addition'', as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008; and

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

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

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled ''Owens River Headwaters Proposed Wilderness'' and dated September 16, 2008, which shall be known as the ''Owens River Headwaters Wilderness''.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''John Muir Proposed Wilderness Addition (1 of 5)'' and dated September 23, 2008;

(ii) the map entitled ''John Muir Proposed Wilderness Addition (2 of 5)'' and dated September 23, 2008;

(iii) the map entitled ''John Muir Proposed Wilderness Addition (3 of 5)'' and dated October 31, 2008;

(iv) the map entitled ''John Muir Proposed Wilderness Addition (4 of 5)'' and dated September 16, 2008; and

(v) the map entitled ''John Muir Proposed Wilderness Addition (5 of 5)'' and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled ''John Muir Wilderness—Revised'' and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled ''Ansel Adams Proposed Wilderness Addition'' and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the ''White Mountains Wilderness''.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''White Mountains Proposed Wilderness-Map 1 of 2 (North)'' and dated September 16, 2008; and

(ii) the map entitled ''White Mountains Proposed Wilderness-Map 2 of 2 (South)'' and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled ''Granite Mountain Wilderness'' and dated September 19, 2008, which shall be known as the ''Granite Mountain Wilderness''.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled ''Magic Mountain Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Magic Mountain Wilderness''.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled ''Pleasant View Ridge Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Pleasant View Ridge Wilderness''.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

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

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

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

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

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

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

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

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

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

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

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as ''Land from FS to BLM'' on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

''(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

''(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

''(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

''(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

''(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

''(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

''(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

''(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

''(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

''(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

''(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

''(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

''(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

''(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

''(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.''.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the ''Bridgeport Winter Recreation Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

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

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

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

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as ''Pacific Crest Trail Proposed Crossing Area'' on the map entitled ''Humboldt-Toiyable National Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as ''Pickel Hill Management Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled ''Ancient Bristlecone Pine Forest—Proposed'' and dated July 16, 2008, is designated as the ''Ancient Bristlecone Pine Forest''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

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

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

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

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

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

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

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled ''Proposed Addition to Agua Tibia Wilderness'', and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled ''Cahuilla Mountain Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Cahuilla Mountain Wilderness''.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled ''South Fork San Jacinto Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''South Fork San Jacinto Wilderness''.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled ''Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition'', and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled ''Beauty Mountain Proposed Wilderness'', and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Beauty Mountain Wilderness''.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled ''Orocopia Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled ''Palen-McCoy Proposed Wilderness Additions'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled ''Pinto Mountains Proposed Wilderness'', and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Pinto Mountains Wilderness''.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled ''Chuckwalla Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

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

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

''(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

''(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

''(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

''(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

''(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

''(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

''(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

''(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

''(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.''.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

''(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the

boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

''(1) The 'Santa Rosa Peak Area Monument Expansion'.

''(2) The 'Snow Creek Area Monument Expansion'.

''(3) The 'Tahquitz Peak Area Monument Expansion'.

''(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.''.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking ''eight'' and inserting ''a majority of the appointed''.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled ''John Krebs Wilderness'', and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as ''Silver City'' and ''Kaweah Han''.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled ''Sequoia-Kings Canyon Wilderness Addition'', numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

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

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

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

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

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Rocky Mountain National Park Wilderness Act of 2007'' and dated September 2006.

(2) PARK.—The term ''Park'' means Rocky Mountain National Park located in the State of Colorado.

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

(4) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term ''Wilderness'' means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

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

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a ''Potential Wilderness Area'', the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the ''East Shore Trail Area''.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado–Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking ''seventy thousand acres'' and inserting ''74,195 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking ''thirty-six thousand two hundred thirty-five acres'' and inserting ''35,235 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the ''Leiffer tract'' that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term ''Beaver Dam Wash National Conservation Area Map'' means the map entitled ''Beaver Dam Wash National Conservation Area'' and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term ''Canaan Mountain Wilderness Map'' means the map entitled ''Canaan Mountain Wilderness'' and dated June 21, 2008.

(3) COUNTY.—The term ''County'' means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northeastern Washington County Wilderness Map'' means the map entitled ''Northeastern Washington County Wilderness'' and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northwestern Washington County Wilderness Map'' means the map entitled ''Northwestern Washington County Wilderness'' and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ''Red Cliffs National Conservation Area Map'' means the map entitled ''Red Cliffs National Conservation Area'' and dated November 12, 2008.

(7) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ''Washington County Growth and Conservation Act Map'' means the map entitled ''Washington County Growth and Conservation Act Map'' and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management,

comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Beartrap Canyon Wilderness''.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Blackridge Wilderness''.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the ''Canaan Mountain Wilderness''.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Canyon Wilderness''.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Forest Wilderness''.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Cougar Canyon Wilderness''.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek Wilderness''.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek North Wilderness''.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Doc's Pass Wilderness''.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Goose Creek Wilderness''.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''LaVerkin Creek Wilderness''.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Red Butte Wilderness''.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Red Mountain Wilderness''.

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

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Taylor Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

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

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

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

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

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

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

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

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term ''Wilderness Area'' means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term ''Zion National Park Wilderness Map'' means the map entitled ''Zion National Park Wilderness'' and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Zion Wilderness''.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term ''habitat conservation plan'' means the conservation plan entitled ''Washington County Habitat Conservation Plan'' and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term ''public use plan'' means the use plan entitled ''Red Cliffs Desert Reserve Public Use Plan'' and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means the management plan entitled ''St. George Field Office Resource Management Plan'' and dated March 15, 1999, as amended.

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

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

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

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

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

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

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

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

(ii) applicable law; and

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

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

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

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

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

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

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

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

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

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

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ''Designated Road Areas'', motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

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

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

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

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bureau of Land Management' and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

''(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

''(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

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

''(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

''(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

''(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

''(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

''(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

''(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

''(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

''(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

''(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

''(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

''(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

''(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

''(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

''(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

''(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

''(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

''(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

''(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.''.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term ''trail'' means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ''High Desert Off-Highway Vehicle Trail''.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

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

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the ''Washington County, Utah Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall

convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as ''Temple Quarry'' as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel B'', to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel C'', to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel D'', to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel E'', to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel F'', to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term ''map'' means the map entitled ''Conveyance of Dixie National Forest Land'' and dated December 18, 2008.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

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

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

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

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

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term ''Parcel A'' means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled ''Washington County Growth and Conservation Act Map''.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBE.—The term ''Tribe'' means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and

resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term ''Monument'' means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

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

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled ''Prehistoric Trackways National Monument'' and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled ''Fort Stanton-Snowy River Cave National Conservation Area'' and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

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

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

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

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

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

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

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

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

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term ''Council'' means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 2406.

(4) MAP.—The term ''Map'' means the map entitled ''Dominguez-Escalante National Conservation Area'' and dated September 15, 2008.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(7) WILDERNESS.—The term ''Wilderness'' means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Dominguez Canyon Wilderness Area''.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

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

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

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

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

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

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

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''Dominguez-Escalante National Conservation Area Advisory Council''.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

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

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

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

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

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

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

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

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

''(I) the Environmental Protection Agency;''; and

(2) in paragraph (4), by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as ''To U.S. Forest Service''.

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

(i) the approximately 935 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of the United States Released''.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

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

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

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

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as ''To Bureau of Land Management''.

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

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

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

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

(A) the approximately 108 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(B) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

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

(A) City zoning ordinances; and

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

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

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

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

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

(i) all forms of entry and appropriation under the public land laws;

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

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

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

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

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

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

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

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(B) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel A' on the map

entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).''; and

(C) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 25 acres of Bureau of Land Management land identified on the map as ''Lands to be conveyed to Turnabout Ranch''.

(2) MAP.—The term ''map'' means the map entitled ''Turnabout Ranch Conveyance'' dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) MONUMENT.—The term ''Monument'' means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TURNABOUT RANCH.—The term ''Turnabout Ranch'' means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land

for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act(43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

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

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term ''public land'' means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled ''Douglas County Public Utility District Proposal'' and dated March 2, 2006.

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

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

(4) WELLS HYDROELECTRIC PROJECT.—The term ''Wells Hydroelectric Project'' means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as ''Land to be conveyed to Twin Falls'' on the map titled ''Twin Falls Land Conveyance'' and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately

studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled ''Sunrise Mountain ISA Release Areas'' and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term ''railroad lands'' means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

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

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

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

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

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland

firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) WYOMING RANGE WITHDRAWAL AREA.—The term ''Wyoming Range Withdrawal Area'' means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled ''Wyoming Range Withdrawal Area'' and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

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

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

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Jefferson County, Montana.

(2) MAP.—The term ''map'' means the map that is—

(A) entitled ''Elkhorn Cemetery'';

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ''Elkhorn Cemetery'', as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

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

(B) APPRAISALS.—

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

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

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

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term ''Claim'' means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term ''Claimants'' means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term ''Federal land'' means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term ''survey'' means the survey plat entitled ''Boundary Survey and Conservation Easement Plat'', prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

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

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term ''Federal land'' means the land under the jurisdiction of the Secretary identified on the map as ''Shooting Range Special Use Permit Area''.

(3) MAP.—The term ''map'' means the map entitled ''Bountiful City Land Consolidation Act'' and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

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

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

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

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

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

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

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

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

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

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term ''land designated for exclusion'' means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled ''Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho'' and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term ''land designated for inclusion'' means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

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

(C) generally depicted on the map entitled ''Challis National Forest, T. 14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW'' and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term ''wilderness area'' means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

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

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

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term ''State'' means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ''Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area'' and dated August 27, 2008.

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

(4) UNDEVELOPED LAND.—The term ''undeveloped land'' means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) FUND.—The term ''Fund'' means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

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

(3) PROPOSAL.—The term ''proposal'' means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

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

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and nonprofit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary

for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

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

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Collaborative Forest Landscape Restoration Fund'', to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of $4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

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

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

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

(2) the Committee on Appropriations of the Senate;

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

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

''(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

''(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.''.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORT TITLE.—This section may be cited as the ''Craig Thomas Snake Headwaters Legacy Act of 2008''.

(b) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term ''State'' means the State of Wyoming.

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

''(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

''(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

''(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

''(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

''(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

''(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

''(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

''(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

''(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

''(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

''(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

''(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

''(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

''(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

''(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

''(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

''(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

''(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

''(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

''(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

''(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

''(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

''(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

''(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

''(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

''(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

''(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

''(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

''(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

''(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

''(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.''.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including

full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

''(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

''(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

''(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

''(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

''(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.''.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the ''Secretary'') determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

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

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

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.''.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

''(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

''(B) submit a report describing the results of that study to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

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

''(27) ARIZONA NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled 'Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.''.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

''(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.''.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall consider the actions outlined in the Trail Management Blueprint described in the report titled the ''Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment'', prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of

the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term ''Ice Age floods'' or ''floods'' means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term ''plan'' means the cooperative management and interpretation plan authorized under subsection (f)(5).

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

(4) TRAIL.—The term ''Trail'' means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled ''Ice Age Floods National Geologic Trail,'' numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled ''Ice Age Floods, Study of Alternatives and Environmental Assessment'' (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

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

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

''(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

''(i) other Federal, State, tribal, regional, and local agencies; and

''(ii) the private sector.

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

''(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

''(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

''(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

''(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

''(i) The Benge and Bell routes.

''(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

''(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).''.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: ''No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.''.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16

U.S.C. 1244(a)(3)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

''(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the 'trail') designated by section 5(a)(12)—

''(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

''(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

''(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.''.

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

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

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

''(2) REQUIREMENTS FOR REVISION.—

''(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

''(3) OREGON NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

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

''(i) Whitman Mission route.

''(ii) Upper Columbia River.

''(iii) Cowlitz River route.

''(iv) Meek cutoff.

''(v) Free Emigrant Road.

''(vi) North Alternate Oregon Trail.

''(vii) Goodale's cutoff.

''(viii) North Side alternate route.

''(ix) Cutoff to Barlow road.

''(x) Naches Pass Trail.

''(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

''(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

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

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

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

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

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

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

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

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

''(44) CHISHOLM TRAIL.—

''(A) IN GENERAL.—The Chisholm Trail (also known as the 'Abilene Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

''(45) GREAT WESTERN TRAIL.—

''(A) IN GENERAL.—The Great Western Trail (also known as the 'Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.''.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

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

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term ''affected stakeholder'' means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ''grant recipient'' means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ''program'' means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term ''watershed group'' means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term ''watershed management project'' means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''Cooperative Watershed Management Program'', under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of $1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after

the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) $100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water;

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

''(e) COMPETITIVE STATUS.—

''(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

''(2) REDESIGNATION OF CERTAIN POSITIONS.—

''(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

''(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

''(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

''(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.''.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term ''livestock'' means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term ''program'' means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term ''Indian Land'' means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) CORPORATION.—The term ''Corporation'' means the King Cove Corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

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

(A) the map entitled ''Izembek and Alaska Peninsula National Wildlife Refuges'' and dated September 2, 2008; and

(B) the map entitled ''Sitkinak Island–Alaska Maritime National Wildlife Refuge'' and dated September 2, 2008.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) REFUGE.—The term ''Refuge'' means the Izembek National Wildlife Refuge.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Alaska.

(8) TRIBE.—The term ''Tribe'' means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

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

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State

refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled ''Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision'' and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Paterson, New Jersey.

(2) COMMISSION.—The term ''Commission'' means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ''Historic District'' means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Park developed under subsection (d).

(5) MAP.—The term ''Map'' means the map entitled ''Paterson Great Falls National Historical Park–Proposed Boundary'', numbered T03/80,001, and dated May 2008.

(6) PARK.—The term ''Park'' means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the ''Paterson Great Falls National Historical Park''.

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or, disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

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

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

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Paterson Great Falls National Historical Park Advisory Commission''.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

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

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

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

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the ''President William Jefferson Clinton Birthplace Home National Historic Site''.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the ''River Raisin National Battlefield Park'' (referred to in this section as the ''Park'').

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

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

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

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

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking ''$4'' and inserting ''$1''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(B) by striking ''$3,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (b), by striking ''$100,000'' and all that follows through ''those duties'' and inserting ''$250,000''.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking ''contiguous to'' and all that follows and inserting ''within Fairfield County.'';

(2) by amending paragraph (2) to read as follows:

''(2) DEVELOPMENT.—

''(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary's acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).''; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking ''the appropriate zoning authority'' and all that follows through ''Wilton, Connecticut,'' and inserting ''the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)''.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking ''The Preserve'' and inserting the following:

''(1) IN GENERAL.—The Preserve''; and

(B) by adding at the end the following:

''(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled 'Little River Canyon National Preserve Proposed Boundary', numbered 152/80,004, and dated December 2007.''; and

(2) in subsection (c), by striking ''map'' and inserting ''maps''.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled ''An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio'', approved May 27, 1992 (106 Stat. 185), is amended—

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

(2) by striking the period at the end of subsection (a)(4) and inserting ''; and'';

(3) by adding after subsection (a)(4) the following new paragraph:

''(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006.''; and

(4) by adding after subsection (d)(2) the following new paragraph:

''(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.''.

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

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as 'Lands Proposed for Addition' may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land

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

''(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

''(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as 'Lands Proposed for Addition' is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.'';

(B) in the second sentence, by striking ''The Secretary may also acquire by any of the foregoing methods'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.

''(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

''(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

''(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.''; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting ''(or January 1, 2007, for areas added to the park after that date)'' after ''January 1, 1977''.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking '', except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''on land, and interests in land and water managed by the Secretary, except that the Secretary''.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(B) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Minute Man National Historical Park Proposed Boundary'', numbered 406/81001, and dated July 2007.

(2) PARK.—The term ''Park'' means the Minute Man National Historical Park in the State of Massachusetts.

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

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term ''Hurricane Hole'' means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term ''map'' means the map entitled ''Proposed Tarpon Basin Boundary Revision'', numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term ''Tarpon Basin property'' means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

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

(B) FEDERAL LAND.—The term ''Federal Land'' means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term ''map'' means the map prepared by the National Park Service, entitled ''Proposed Land Exchanges, Everglades National Park'', numbered 160/60411A, and dated September 2008.

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

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as ''Tract D''.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(G) STATE.—The term ''State'' means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract A''.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as ''Tract D'', and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract B'', along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

''(3) AGREEMENTS.—

''(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means—

''(i) the Commonwealth of Massachusetts;

''(ii) a political subdivision of the Commonwealth of Massachusetts; or

''(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

''(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

''(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

''(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

''(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

''(i) appropriations for carrying out the purposes of the agreement are available; and

''(ii) the agreement is in the best interests of the United States.''.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking ''Coast Guard'' and inserting ''Coast Guard.''.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking ''Nothwithstanding'' and inserting ''Notwithstanding''.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the ''Historical Park'').

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the ''Secretary'') for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the ''Thomas Edison National Historical Park'', numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,'' approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Edison National Historic Site'' shall be deemed to be a reference to the ''Thomas Edison National Historical Park''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 410ll) is amended by adding at the end the following:

''SEC. 1602. VOTES FOR WOMEN TRAIL.

''(a) DEFINITIONS.—In this section:

''(1) PARK.—The term 'Park' means the Women's Rights National Historical Park established by section 1601.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

''(3) STATE.—The term 'State' means the State of New York.

''(4) TRAIL.—The term 'Trail' means the Votes for Women History Trail Route designated under subsection (b).

''(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the 'Votes for Women History Trail Route', to link properties in the State that are historically and thematically associated with the struggle for women's suffrage in the United States.

''(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

''(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

''(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

''(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

''(3) create and adopt an official, uniform symbol or device to mark the Trail; and

''(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

''(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the

Secretary may designate as an official stop on the Trail—

''(1) all units and programs of the Park relating to the struggle for women's suffrage;

''(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

''(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women's suffrage.

''(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

''(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).''.

(b) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''historic site'' means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term ''map'' means the map entitled ''Boundary Map, Martin Van Buren National Historic Site'', numbered ''460/80801'', and dated January 2005.

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

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the ''PROPOSED PARK BOUNDARY'', as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the ''Palo Alto Battlefield National Historical Park''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

*(B) in the heading for section 3, by striking ''**NATIONAL HISTORIC SITE**'' and inserting ''**NATIONAL HISTORICAL PARK**''; and*

(C) by striking ''historic site'' each place it appears and inserting ''historical park''.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking ''(1) The historical park'' and inserting the following:

''(1) IN GENERAL.—The historical park'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL LAND.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.''; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking ''(3) Within'' and inserting the following:

''(3) LEGAL DESCRIPTION.—Not later than''; and

(B) in the second sentence, by striking ''map referred to in paragraph (1)'' and inserting ''maps referred to in paragraphs (1) and (2)''.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the ''Abraham Lincoln Birthplace National Historical Park''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the ''Abraham Lincoln Birthplace National Historical Park''.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking ''may'' and inserting ''shall''.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking ''Gaylord A. Nelson'' and inserting ''Gaylord Nelson''; and

(B) in subsection (c)(4), by striking ''Gaylord A. Nelson Wilderness'' and inserting ''Gaylord Nelson Wilderness''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Gaylord A. Nelson Wilderness'' shall be deemed to be a reference to the ''Gaylord Nelson Wilderness''.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking ''the George Washington Memorial Parkway'' and inserting ''Arlington House, The Robert E. Lee Memorial,''.

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking ''numbered 640/20,038I, and dated September 2004'' and inserting ''numbered 640/20,038K, and dated September 2005''.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking ''numbered 110/80,044, and dated July 2004'' and inserting ''numbered 110/80,045, and dated January 2005''.

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting ''Natural'' before ''Resources'';

(2) in section 8904(b), by inserting ''Advisory'' before ''Commission''; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting ''Advisory'' before ''Commission''; and

(B) in the second sentence, by striking ''House Administration'' and inserting ''Natural Resources''.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking ''The John Smith'' and inserting ''The Captain John Smith''.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking ''under section 605''.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking ''section 6(a)'' and inserting ''section 806(a)''.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting ''duties'' before ''of the''.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110–229; 122 Stat. 827) is amended by striking ''Cayohoga'' each place it appears and inserting ''Cuyahoga''.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking ''map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441'' and inserting ''map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the ''Pennsylvania Avenue National Historic Site''.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

''(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

''(1) Hawthorn Hill, Oakwood, Ohio.

''(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.''.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting ''Hawthorn Hill, the Wright Company factory,'' after '', acquire'';

(2) in subsection (b), by striking ''Such agreements'' and inserting:

''(d) CONDITIONS.—Cooperative agreements under this section'';

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

''(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.''; and

(4) by striking ''Commission'' and inserting ''Aviation Heritage Foundation''.

(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.''.

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking ''104'' and inserting ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking ''the Secretary of the Interior'' and inserting ''(a) The Secretary of the Interior'';

(B) by striking ''476 acres'' and inserting ''646 acres''; and

(C) by adding at the end the following:

''(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.''.

(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Walnut Canyon Proposed Study Area'' and dated July 17, 2007.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term ''study area'' means the area identified on the map as the ''Walnut Canyon Proposed Study Area''.

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;.

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the ''site'') to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the ''birthplace site'') in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the ''Matewan Massacre'') of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study along the route known as the ''Ox-Bow Route'' of the Butterfield Overland Trail (referred to in this section as the ''route'') in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry

out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the ''Cold War Advisory Committee'', to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term ''Fort San Gerónimo'' (also known as ''Fortín de San Gerónimo del Boquerón'') means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term ''related resources'' means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term ''Battlefield Report'' means the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government.

(C) ELIGIBLE SITE.—The term ''eligible site'' means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under subsection (c)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking ''2009'' and inserting ''2019''.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking ''ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996'' and inserting ''on December 31, 2018''.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking ''2008'' and inserting ''2018''.

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking ''2008'' and inserting ''2009''.

SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term ''Commission'' means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Florida.

(B) INCLUSION.—The term ''State'' includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''St. Augustine 450th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term ''map'' means the map entitled ''Proposed Sangre De Cristo National Heritage Area'' and dated November 2005.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term ''map'' means the map entitled ''Cache La Poudre River National Heritage Area'', numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''South Park National Heritage Area Map (Proposed)'', dated January 30, 2006.

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Baltimore National Heritage Area'', numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in

the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Freedom's Way National Heritage Area'', numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''Mississippi Delta National Heritage Area'', numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships

and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship

with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Muscle Shoals National Heritage Area'', numbered T08/80,000, and dated October 2007.

(5) STATE.—The term ''State'' means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the

management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term ''map'' means the map entitled ''Proposed Kenai Mountains-Turnagain Arm NHA'' and dated August 7, 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships

and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term ''Corridor'' means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''study area'' means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled ''Chattahoochee Trace National Heritage Corridor, Alabama/Georgia'', numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term ''proposed Heritage Area'' means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term ''State'' means the State of Virginia.

(3) STUDY AREA.—The term ''study area'' means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

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

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

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

''(c) EVALUATION; REPORT.—

''(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

''(A) conduct an evaluation of the accomplishments of the Corridor; and

''(B) prepare a report in accordance with paragraph (3).

''(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

''(A) assess the progress of the management entity with respect to—

''(i) accomplishing the purposes of this title for the Corridor; and

''(ii) achieving the goals and objectives of the management plan for the Corridor;

''(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

''(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

''(3) REPORT.—

''(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

''(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

''(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

''(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

''(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—The Commission''; and

(B) by adding at the end the following:

''(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

''(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

''(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

''(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.'';

(2) in section 10—

(A) in the first sentence of subsection (c), by striking ''shall assist the Commission'' and inserting ''shall, on the request of the Corporation, assist'';

(B) in subsection (d)—

(i) by striking ''Commission'' each place it appears and inserting ''Corporation'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

''(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

''(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

''(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.''; and

(C) by adding at the end the following:

''(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

''(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

''(2) coordination regarding the implementation of the Plan.'';

(3) in section 11, in the matter preceding paragraph (1), by striking ''directly affecting'';

(4) in section 12—

(A) in subsection (a), by striking ''Commission'' each place it appears and inserting ''Corporation'';

(B) in subsection (c)(1), by striking ''2007'' and inserting ''2012''; and

(C) by adding at the end the following:

''(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.''; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;''.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''27'' and inserting ''at least 21 members, but not more than 27'';

(ii) in paragraph (2), by striking ''Environment'' and inserting ''Environmental''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''19'';

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

''(C) The remaining members shall be—

''(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

''(ii) persons that are residents of, or employed within, the applicable congressional districts.'';

(B) in subsection (f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the serving Commissioners'';

(C) in subsection (g), by striking ''14 of its members'' and inserting ''a majority of the serving Commissioners'';

(D) in subsection (h), by striking paragraph (4) and inserting the following:

''(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

''(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;''; and

(E) in subsection (j), by striking ''10 years'' and inserting ''15 years'';

(2) in section 807—

(A) in subsection (e), by striking ''with regard to the preparation and approval of the Canalway Plan''; and

(B) by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, by striking ''any fiscal year'' and inserting ''any fiscal year, to remain available until expended''.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking ''shall be the the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term ''appraisal report'' means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term ''principles and guidelines'' means the report entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies'' issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

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

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as ''Secretary''), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term ''Project'' means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

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

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

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

(4) TOTAL COST.—The term ''total cost'' means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term ''Authority'' means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term ''engineering report'' means the report entitled ''Eastern New Mexico Rural Water System Preliminary Engineering Report'' and dated October 2006.

(3) PLAN.—The term ''plan'' means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes the major components and associated infrastructure identified as the ''Best Technical Alternative'' in the engineering report.

(7) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

''Sec. 1649. Rancho California Water District Project, California.''.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term ''assessment'' means the engineering document that is—

(A) entitled ''Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation'';

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) PROJECT.—The term ''Project'' means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term ''State'' means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term ''2004 Agreement'' means the agreement entitled ''Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico'' and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term ''designated engineer'' means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term ''District'' means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term ''Pueblo irrigation infrastructure'' means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term ''Rio Grande Pueblo'' means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term ''Six Middle Rio Grande Pueblos'' means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term ''special project'' has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term ''State'' means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) REQUIRED CONSENT.—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting '', rehabilitation, and repair'' after ''and replacement''; and

(2) in paragraph (6), by inserting ''those for protection of critical habitat, those for preventing entrainment of fish in water diversions,'' after ''instream flows,''.

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$61,000,000'' and inserting ''$88,000,000'';

(B) in paragraph (2), by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (3), by striking ''2010'' and inserting ''2023'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''$126,000,000'' and inserting ''$209,000,000'';

(B) in paragraph (1)—

(i) by striking ''$108,000,000'' and inserting ''$179,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (2)—

(i) by striking ''$18,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(3) in subsection (c)(4), by striking ''$31,000,000'' and inserting ''$87,000,000''.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term ''Project'' means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

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

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the

Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of $500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

"SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

''(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,500,000.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

''Sec. 1650. Elsinore Valley Municipal Water District Projects, California.''.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

"SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

''(A) Marin County;

''(B) Napa County;

''(C) Solano County; or

''(D) Sonoma County.

''(2) WATER RECLAMATION AND REUSE PROJECT.—The term 'water reclamation and reuse project' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

''(A) water quality improvement;

''(B) wastewater treatment;

''(C) water reclamation and reuse;

''(D) groundwater recharge and protection;

''(E) surface water augmentation; or

''(F) other related improvements.

''(3) STATE.—The term 'State' means the State of California.

''(b) NORTH BAY WATER REUSE PROGRAM.—

''(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

''(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

''(A) non-Federal entities; and

''(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

''(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

''(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

''(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

''(4) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

''(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

''(ii) the acquisition costs of land acquired for the project that is—

''(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

''(II) owned by an eligible entity and directly related to the project.

''(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(5) EFFECT.—Nothing in this section—

''(A) affects or preempts—

''(i) State water law; or

''(ii) an interstate compact relating to the allocation of water; or

''(B) confers on any non-Federal entity the ability to exercise any Federal right to—

''(i) the water of a stream; or

''(ii) any groundwater resource.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

''Sec. 1651. North Bay water reuse program.''.

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

''SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

''1652. Prado Basin Natural Treatment System Project.''.

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

''SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

''1653. Lower Chino dairy area desalination demonstration and reclamation project.''.

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amended—

(1) in the section heading, by striking the words ''**PHASE 1 OF THE**''; and

(2) in subsection (a), by striking ''phase 1 of''.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term ''Project'' means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term ''Project'' includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) $26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) $26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

''SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the following:

''(1) The operations and maintenance of the project described in subsection (a).

''(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

''Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.''.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

''SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

''Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

''Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.''.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after ''cost thereof,'' the following: ''or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,''.

(b) RATES.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended—

(1) by striking ''(b) Rates'' and inserting the following:

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

''(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

''(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

''(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

''(3) ARKANSAS VALLEY CONDUIT.—

''(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

''(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

(1) by striking ''SEC. 7. There is hereby'' and inserting the following:

''SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

''(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

''(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.''.

Subtitle C—Title Transfers and Clarifications

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the agreement numbered 06–AG–60–2115 and entitled ''Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma''.

(2) AUTHORITY.—The term ''Authority'' means the McGee Creek Authority located in Oklahoma City, Oklahoma.

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

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

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

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the

United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0–07–50–X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 07–LC–20–9387 between the United States and the District, entitled ''Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District''.

(2) DISTRICT.—The term ''District'' means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term ''Goleta Water Distribution System'' means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

''(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

''(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

''(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.'';

(2) in subsection (a), by adding at the end the following:

''(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.''; and

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

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

''(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.''.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term ''Lower Colorado River Multi-Species Conservation Program'' or ''LCR MSCP'' means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) PROGRAM DOCUMENTS.—The term ''Program Documents'' means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) IN GENERAL.—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) JURISDICTION.—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) UNITED STATES AS DEFENDANT.—

(1) IN GENERAL.—The United States or any agency of the United States may be named as a defendant in such actions.

(2) SOVEREIGN IMMUNITY.—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) NONWAIVER FOR CERTAIN CLAIMS.—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) RIGHTS UNDER FEDERAL AND STATE LAW.—

(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) VENUE.—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) NON-REIMBURSABLE AND NON-RETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term ''assessment program'' means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) CLIMATE DIVISION.—The term ''climate division'' means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term ''Federal Power Marketing Administration'' means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term ''hydrologic accounting unit'' means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term ''major aquifer system'' means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term ''major reclamation river basin'' means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term ''major reclamation river basin'' includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term ''non-Federal participant'' means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term ''panel'' means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) PROGRAM.—The term ''program'' means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Secretary'' means the Secretary of the Interior.

(B) EXCEPTIONS.—The term ''Secretary'' means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term ''service area'' means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development

project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the ''national water availability and use assessment program''—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601 DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term ''inspection'' means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term ''project facility'' means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term ''reserved works'' mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term ''transferred works'' means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term ''extraordinary operation and maintenance work'' means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the ''San Joaquin River Restoration Settlement Act''.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms ''Friant Division long-term contractors'', ''Interim Flows'', ''Restoration Flows'', ''Recovered Water Account'', ''Restoration Goal'', and ''Water Management Goal'' have the meanings given the terms in the Settlement.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Settlement'' means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) $88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(2) ADDITIONAL AMOUNTS.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term ''environmental review'' includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project rate-setting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2)

of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) AVAILABILITY.—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than $4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102–575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, ''Treasury Rate'' shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the

Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160–05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the ''Secretary'') is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) AUTHORIZATION.—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at

a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated $50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the ''Northwestern New Mexico Rural Water Projects Act''.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) AAMODT ADJUDICATION.—The term ''Aamodt adjudication'' means the general stream adjudication that is the subject of the civil action entitled ''State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.'', No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term ''Abeyta adjudication'' means the general stream adjudication that is the subject of the civil actions entitled ''State of New Mexico v. Abeyta and State of New Mexico v. Arrellano'', Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(4) AGREEMENT.—The term ''Agreement'' means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) ALLOTTEE.—The term ''allottee'' means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) CITY.—The term ''City'' means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term ''Colorado River Compact'' means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term ''Colorado River System'' has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) COMPACT.—The term ''Compact'' means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term ''Contract'' means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term ''depletion'' means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term ''Draft Impact Statement'' means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term ''Fund'' means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term ''hydrologic determination'' means the hydrologic determination entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term ''Lower Basin'' has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term ''Nation'' means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ''Navajo-Gallup Water Supply Project'' or ''Project'' means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term ''Navajo Indian Irrigation Project'' means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term ''Navajo Reservoir'' means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' or ''Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term ''Project Participants'' means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term ''San Juan River Basin Recovery Implementation Program'' means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term ''stream adjudication'' means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term ''Supplemental Partial Final Decree'' means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term ''Trust Fund'' means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term ''Upper Basin'' has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

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

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620(2)) is amended by inserting ''the Navajo-Gallup Water Supply Project,'' after ''Fruitland Mesa,''.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

''SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

''(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

''(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(B) Notwithstanding any other provision of law—

''(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

''(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

''(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

''(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

''(2) the contract executed under section 10604(a)(2)(B) of that Act; and

''(3) any other applicable law.

''(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

''(2) other nonirrigation purposes authorized under subsection (c) or (d).

''(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

''(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

''(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San

Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

''(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

''(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ''Colorado River Basin Project Act'') (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Reclamation Water Settlements Fund'', consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed $250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled ''In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana'', if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be

provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) LIMITATION.—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan

River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the ''Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin'' as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the

State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water

generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) EXPIRATION.—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) LIMITATION.—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 10608 $11,000,000 for the period of fiscal years 2009 through 2019.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Navajo Nation Water Resources Development Trust Fund'', consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2010 through 2014; and

(2) $4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) CLAIMS BY THE NATION AND THE UNITED STATES.—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) RESERVATION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of

enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) DEADLINE.—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River'' and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term ''Development Fund'' means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) RESERVATION.—The term ''Reservation'' means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term ''upstream water user'' means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term ''Funds'' means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Water Rights Development Fund''.

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Operation and Maintenance Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976''), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ''homeland and'' after ''planning for'';

(B) in subparagraph (E), by striking ''predicting'' and inserting ''identifying'';

(C) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ''and management'' before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ''not later than'' and all that follows through the semicolon and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;'';

(2) in subparagraph (B), by striking ''not later than'' and all that follows through ''in accordance'' and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking ''not later than'' and all that follows through ''submit'' and inserting ''submit biennially''.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(III) the needs of land management agencies of the Department of the Interior.''.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting ''the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,'' after ''Administrator of the Environmental Protection Agency or a designee,'';

(ii) by inserting ''and'' after ''Energy or a designee,''; and

(iii) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(B) in paragraph (3)—

(i) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(ii) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(iii) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

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

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially''.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2009 through 2018.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the ''Secretary''), in coordination with the State of New Mexico (referred to in this section as the ''State'') and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) $33,550,000 for fiscal year 2009;

(2) $36,905,000 for fiscal year 2010;

(3) $40,596,000 for fiscal year 2011;

(4) $44,655,000 for fiscal year 2012;

(5) $49,121,000 for fiscal year 2013;

(6) $54,033,000 for fiscal year 2014; and

(7) $59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the ''NOAA Undersea Research Program Act of 2009''.

SEC. 12102. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the ''Ocean and Coastal Mapping Integration Act''.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and nongovernmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the ''Integrated Coastal and Ocean Observation System Act of 2009''.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 12304(c)(2).

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets,

including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private

sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in lifecycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2009'' or the ''FOARAM Act''.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) $8,000,000 for fiscal year 2009;

(2) $12,000,000 for fiscal year 2010;

(3) $15,000,000 for fiscal year 2011; and

(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) $6,000,000 for fiscal year 2009;

(2) $8,000,000 for fiscal year 2010;

(3) $12,000,000 for fiscal year 2011; and

(4) $15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the ''Coastal and Estuarine Land Conservation Program Act''.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

''AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

''SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

''(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

''(1) a Coastal Zone Management Plan or Program approved under this title;

''(2) a National Estuarine Research Reserve management plan;

''(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

''(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

''(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

''(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

''(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

''(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

''(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

''(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

''(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

''(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

''(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

''(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

''(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

''(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

''(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

''(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

''(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

''(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

''(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

''(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

''(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

''(f) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

''(2) COST SHARE REQUIREMENT.—

''(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

''(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

''(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

''(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

''(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

''(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

''(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

''(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

''(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

''(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

''(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

''(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

''(1) such assurances as the Secretary may require that—

''(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

''(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

''(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

''(2) certification that the property (including any interest in land) will be acquired from a willing seller.

''(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

''(k) DEFINITIONS.—In this section:

''(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

''(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2009 through 2013.''.

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

''SEC. 26. NORTH DAKOTA TRUST FUNDS.

''(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

''(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).''.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

''SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

''(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

''(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.''.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled ''A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date'' and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of

2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.''.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2009 through 2015''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

''(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

''(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

''(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).''.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''7 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Energy (7)'' and inserting ''Assistant Secretaries of Energy (8)''.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term ''Institute'' means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term ''map'' means the map entitled ''Lovelace Respiratory Research Institute Land Conveyance'' and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as ''Parcel A'' on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting

from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as ''Parcel B'' on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

''§ 153514. Authorization of appropriations

''(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2008 through 2017.

''(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.''.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

Amend the title so as to read: ''An Act 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.''.

The amendment (No. 686) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''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.''.

Mr. BINGAMAN. Madam President, today the Senate has passed H.R. 146, the Omnibus Public Lands Management Act of 2009. As I said during the debate, H.R. 146 includes over 160 bills from the Committee on Energy and Natural Resources and reflects many years of hard work.

This achievement would not have been possible without the hard work of our outstanding staff. Both our ranking member, Senator MURKOWSKI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, I would like to thank the committee's staff director, Bob Simon, and chief counsel, Sam Fowler, for all of their work on this legislation, as on all the legislation that comes through our committee. I would also like to thank senior counsel Patty Beneke; counsel Mike Connor, who worked on all of the water issues included in the bill; counsels David Brooks, Kira Finkler, and Scott Miller, who coordinated all of the park and public lands bills; professional staff members Jorge Silva-Banuelos, who worked very hard on many of the New Mexico land bills; and Jonathan Epstein; and two National Park Service fellows, Karl Cordova, who worked on the committee last year, and Mike Gauthier, who is on the staff for the current year.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; and staff assistants Rachel Pasternack, Anna-Kristina Fox, Gina Weinstock, and Rosemarie Calabro.

On the Republican side, let me acknowledge Senator MURKOWSKI's new staff director, McKie Campbell, and chief counsel Karen Billups. I would also like to note my thanks to former Senator Domenici's staff director during the previous Congress, Frank Macchiarola, former minority chief counsel, Judy Pensabene, and former professional staff member Tom Lillie. I would also like to recognize counsel Kellie Donnelly; as well as professional staff members Frank Gladics, Josh Johnson, Chuck Kleeschulte, and Kaleb Froehlich, all of whom made significant contributions to this bill.

In addition, I am very grateful to the committee's nondesignated staff: Allison Seyfurth, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

H.R. 146 contains over 1,200 pages of text, and was the subject of numerous revisions. I am grateful to the help of the Senate legislative counsel office, and Gary Endicott, Heather Burnham, and Colin Campbell in particular.

I would also like to thank Cliff Isenberg from the Senate Budget Committee for his help; as well as Deb Reis from the Congressional Budget Office, and Tyler Kruzich, formerly with CBO.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValk, Gary Myrick, and, as always, the secretary for the majority, Lula Davis, as well as Tim Mitchell, the assistant secretary for the majority. I would also like to thank the cloakroom staff, Joe Lapia, Meredith Mellody, Brandon Durflinger, and Estaban Galvan, for all of their assistance.

All of these fine staff members had a hand in putting H.R. 146 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for their good work.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from California is recognized.

Mrs. BOXER. Madam President, I ask unanimous consent that after the conclusion of my remarks, Senator WHITEHOUSE have the floor, and then Senator SHAHEEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF H.R. 146

Mrs. BOXER. Madam President, we just took a very important vote on a very important bill that is good for our country and good for our families. It is good for our heritage. It is good for our economy because I would argue that when we preserve magnificent places in our land, it encourages people to come and see those places and spend time around those places and spend money around those places, and that helps our economy.

I thank the leaders of the Energy Committee on both sides of the aisle, Senators BINGAMAN and MURKOWSKI, and others on the committee. I also thank the staff who worked hard, and I want to take exception to a remark by Senator COBURN. After the staff was thanked, he got up and said, ''Well, what staff works for the American people?'' Well, I would argue that all the staff here and all of the Senators here work for the American people. And

even though Senator COBURN does not bless every provision in this bill, this bill has huge support because the bills in this package will protect some of the most breathtaking places in the Nation, areas that provide a refuge for birdwatchers, hikers, campers, equestrians, fishermen, and other visitors who are looking to escape our Nation's crowded, fast-passed cities to enjoy the tranquility of nature.

I am going to show a few pictures. This is in the Eastern Sierra, the bighorn sheep. We are protecting this magnificent creature that I know Senator HARKIN appreciates.

The bald eagle, which we know we have been doing a lot to save, will be preserved in the many acres we preserve in my home State of California.

In the Riverside bill, this is another magnificent scene of the mountains and the beautiful vegetation that grows without any water to speak of.

The Eastern Sierra, these White Mountains—imagine the beauty of this. So when people come and say we are not doing right by America to save areas such as this, all I say is, open your eyes and gaze upon God's creation. It is so magnificent.

I have one more photo I would like to show you. I know Senator SCHUMER feels the way I do about this. In the Eastern Sierras, this beautiful creek here, a beautiful place to come and enjoy the day, as I said, get away from our crowded cities, bring your family, and stay in the area.

Many bills in this package provide much needed water resources for our communities. It provides recycled water to areas suffering from drought, restoring major watersheds. We are experiencing one of the worst droughts in our State's history. That is why a coalition of 16 western water agencies and organizations wrote to Congress about the urgency of passing this bill that we happily just passed.

You saw some of the magnificent photos of some of the wilderness areas in California that have been saved. They are in what is called the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

I want to make a point to colleagues. On each of these wilderness areas, I worked with colleagues in the House, many of whom are Republicans, and I thank them enormously for their work: BUCK MCKEON, MARY BONO MACK, DEVIN NUNES. I also worked with many Democrats, including JIM COSTA. So we have had a wonderful working relationship across party lines.

There are 700,000 acres of wilderness and/or wilderness study areas and 105 miles of wild and scenic rivers in this bill in my home State. I would say again to Senator COBURN, although I suppose the best thing I can say to him is his argument did not win the day, is that it is our responsibility, I would say to him, to protect these magnificent areas so future generations can enjoy them exactly as we do. These are breathtaking places in California. They provide critically important habitat, as you saw, for the Peninsular bighorn sheep, the mule deer, mountain lions, desert tortoises, and bald eagles.

Again, the economics of this are very clear. In a time of recession, we want to look to the future for jobs, and we know that wilderness bills, just the three of mine in this bill, will produce an estimated 420 jobs and $7 million in income to my State. I cannot say enough about the importance of opportunities such as this when you save the environment and you create jobs and everybody comes away a winner.

I would like to respond to some things Senator COBURN has been saying about one of these bills, the California Desert and Mountain Heritage Act. He has questioned why we are designating Beauty Mountain and the Pinto Mountains as wilderness in this bill even though the Bureau of Land Management failed to recommend them for wilderness back in 1990. Well, the answer is that a lot has changed since then—private lands have since been acquired by the BLM and dozens of mining claims have been retired. Without these restrictions, the BLM now supports wilderness designation for these areas and has testified before Congress in support of this bill. Also, Congress has repeatedly asserted its right to name wilderness areas—the agencies make recommendations but we make the final decision based on what we are hearing from the constituents we represent.

These three bills have bipartisan, bicameral, and diverse support. They would not impact the use of private lands, but would simply improve the protection of existing Forest Service, National Park Service, or Bureau of Land Management lands.

While preserving these areas, we have been careful to accommodate stakeholders' needs. For example, we worked to clarify that the Eastern Sierra and Northern San Gabriel Wild Heritage bill's designation of a Wild and Scenic River on segments of Piru Creek will not affect the operations of the United Water Conservation District or Pyramid Dam on the creek, including any rights they may have to modify water releases.

I will close by thanking my colleague, Senator FEINSTEIN, for not only supporting my wilderness bills that are in here but for her leadership in the San Joaquin River Restoration Settlement Act, which is included in this bill.

Senator COBURN tried to remove it from this bill. I do not understand his motivation. The settlement ended 18 years of litigation over the impacts of the Friant Dam on Chinook salmon populations. Why on Earth would anyone try to derail a settlement and drive us back into the courthouse?

What is in here is a carefully crafted compromise solution that is good for our environment, for our agricultural economy, and for our urban communities.

Again, there is more to be said on this matter. I will say again, to see Senator COBURN get up and try to torpedo this important legislation was kind of shocking to me because once in a while I say we should come together here to preserve our Nation's heritage and to try to avoid litigation.

You know, the fact is, the San Joaquin settlement had broad bipartisan support, has it in my State, from the Governor. We even have the support of the outgoing Bush administration, bipartisan House Members, water agencies, conservation groups, elected officials.

So it is a happy day, frankly, for my State of California, a very happy day—700,000 acres of wilderness, the settlement over the San Joaquin River—and for this whole Nation it is a wonderful moment because we addressed the drought some of our areas are facing.

The areas in this bill are truly magnificent places representing California's and the Nation's incredible range of landscapes and habitats. I look forward to working with my colleagues on both sides of the aisle to enact this bill into law and protect these treasures for future generations of Americans.

I hope this bill will get much attention. I hope the President will have a ceremony when he signs this bill because it deserve far more attention than it has been getting. It is good for the environment, it is good for the economy, and it shows a spirit of bipartisanship that I know our President and all of us encourage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE BUDGET

Mr. WHITEHOUSE. Madam President, I thank the distinguished chairman of the Environment and Public Works Committee for her passionate defense of our natural resources. She is a constant ally of the very best we cull forth from each other as Senators where our most precious environmental concerns are engaged. It is an honor to follow her.

Before I yield the floor to the distinguished Senator from New Hampshire, who has already made an impact here, I wanted to say a few words about the President's new budget.

Across the country, families sit at their kitchen tables and talk and make tough choices about their own family budget, about what they can afford to spend, about what they have to save. What will they do when it is time for the kids to go to college? What will they do if the car breaks down? What will they do if an elderly parent becomes ill? How will they use their finances wisely to plan for the future? This year, those choices are more difficult than ever. We have families in Rhode Island, as I am sure we have

across the country, trying to save their homes, to save their jobs, to save their health care. The bills pile up, and all too often there is not enough to pay them. Well, our country is in a deep hole too. But I would like to remind my colleagues that it was not always this way.

In January 2001, when George Bush became President, the Congressional Budget Office, which is the non-partisan accounting arm of Congress that does our budget outlook on a regular basis, projected that we would see surpluses straight through the decade. These budget surpluses, the product of President Clinton's responsible governing, were projected to be enough to completely wipe out our national debt by 2009, this very year. Imagine, a debt-free America this year. Well, President Bush fixed that.

Usually when American families have a surplus, they use it responsibly, they pay down credit card debt or make an extra mortgage payment. They put it away in retirement savings. They set it aside for college for the kids. Or they spend it on something they need, such as a downpayment on a car or a house. Well, President Bush chose tax cuts for the wealthiest Americans, a misguided war he would not pay for—an irresponsible economic policy, leaving a mountain of debt to the next administration. He, of course, had the enthusiastic support of a Republican Congress which was with him every step of the way into this debt.

Today, the difference between the expected surpluses left by President Clinton and the actual deficit run up by President Bush is a staggering $8.9 trillion—$8.9 trillion on America from the Bush administration and its Republican allies in Congress.

So that is what President Obama inherited—a legacy of reckless borrowing, bad decisions, compounded by skyrocketing unemployment and now a deepening recession that only adds to our country's fiscal woes.

President Obama is trying to help us dig our way out of this mess by focusing his budget on the policies and programs that will repair our economy and create the foundation for long-term economic growth and success. He proposed, and we passed, an economic recovery plan to create jobs and support struggling families and make badly needed investments in our infrastructure during this recession. It wasn't perfect. It probably will not be enough. But it was a good start.

Now, the same Republican Party that thought tax cuts for the rich and an unnecessary war in Iraq were good uses of President Clinton's budget surpluses, the same Republican Party that ran up an $8.9 trillion debt on the country now has its leaders calling President Obama's plans ''the fleecing of America's children.'' It is hard to imagine that this irony eludes them.

President Obama wants to cut taxes for working families, invest in renewable energy, help more young people get a college education, and reform our broken health care system—key priorities for the future of America. But some Republicans who stood by while our country became more and more dependent on foreign oil, while the cost of a college education went through the roof, and while a crisis brewed in our health care system are calling these investments in our future ''a remarkable spending binge.'' Once again, the ''department of irony'' appears to be open late on the other side of the aisle.

Families in America know we will not get out of this mess with the same failed policies that got us into it—that it is time for new priorities. That is what President Obama's budget offers.

Perhaps our greatest challenge, certainly one of our greatest challenges and opportunities, is presented by our broken and dysfunctional health care system. Unless we take serious remedial action and soon, right away, this recession we are living through now will seem like an economic speed bump compared to what will happen when that $35 trillion in unfunded Medicare liabilities, against which we have set not one nickel, comes bearing down on us.

We had a lot of fighting in this body about that Recovery and Reinvestment Act. The Recovery and Reinvestment Act was nearly $800 billion. Compare that to the Bush debt I talked about that they ran up of $8.9 trillion. Where was the complaining then? Compare that to the $35 trillion in unfunded liabilities we face for Medicare. Where are the serious ideas about how we address this problem?

When you put these problems to scale, you will see that wave of cost, that tsunami of health care cost coming at us is something we have to address. We are facing truly the financial ruin of our health care system and, if nothing is done, the financial ruin of our country. Every one of us should share the goal of making sure health insurance coverage reaches every American. President Obama's budget makes a downpayment on that badly needed reform. But it is not enough just to give coverage to everybody. It is not enough just to get everybody on board, if the boat itself is sinking.

We have two toolboxes out of which we can fix our health care mess. One reduces coverage, cuts benefits, pays providers less, and raises taxes. That is the old-fashioned toolbox. It will work, but it will be brutal. It will be wrong, and we should do everything we can to prevent it. The other toolbox reforms the health care system itself, making it more intelligent, sensible, helpful, and efficient; with an information technology infrastructure so every American can count on their own secure electronic health record, with improvements in the quality of health care so we maximize the effectiveness while reducing the cost; and with reform of having paid for health care so the health care we want is the health care we are paying for.

The President sees that all of this is doable—and that we need to start now. His economic recovery legislation put nearly $20 billion into health information infrastructure. But the President knows there is much more to be done, that these delivery system reforms in health care cannot be flipped on like a light switch. It will require complex workforce, regulatory, and infrastructure changes. Then those changes will have to be implemented and administered. It will take some years, and we need to start now. The Obama budget starts us on that course to fix our broken health care system.

I find it unfortunate that our Republican colleagues don't seem to appreciate the seriousness of these problems and have become a chorus of naysayers with no solutions. It is time to pass a budget that lives up to the expectations of the American people. I hope we will.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AIG BONUSES

Mrs. SHAHEEN. Madam President, I would like to applaud my colleague, Senator WHITEHOUSE, for his comments, particularly around health care. I know all of us believe that is critical for us to address.

I rise to express my outrage that AIG has paid over $165 million in bonuses to executives at the company, after they received a $173 billion bailout in taxpayer funds. We all know the economic conditions we are facing are very difficult. Unemployment continues to climb around the country and in my home State of New Hampshire. Families are struggling to make ends meet. Existing home sales are at their lowest levels in more than a decade. Small businesses around the country and in New Hampshire are working hard just to make payroll, to buy inventory, and to keep their businesses viable. In fact, this morning I heard from a small businessman in New Hampshire, Mark Lane, who is the head of Coed Sportswear and Printed Matter, talk about the challenges he faces in this recession, trying to get access to credit to keep his business going.

Yet while small businesses and middle-class families are struggling to make it through these difficult times, the very people whose reckless decisionmaking helped put us in this precarious economic situation are rewarding themselves with bonuses paid for with taxpayer dollars. This is unconscionable.

We have been told nothing can be done about the bonuses to AIG employees because they are contractual commitments. Yesterday, we heard the CEO of AIG say he has asked the recipients of the bonuses to give the money back. I believe those employees should do that, and I hope they will. But we should make sure that when taxpayer money is used, we have done

everything possible to prevent the kind of excesses we have seen with AIG.

As a condition of providing financing to General Motors and Chrysler, the Treasury Department required the automakers to renegotiate their collective bargaining agreements with their workers. In order for their employers to get loans from the Treasury, autoworkers gave up cost-of-living increases to their wages and bonuses, among other benefits. It is our obligation, as we did with General Motors and Chrysler, to protect taxpayer dollars. That is why, in January of this year, I voted against releasing an additional $350 billion in TARP funding. I opposed the release of this funding because I believed we did not have adequate accounting of the money the United States had already spent in the bailout. At the time I said: We need legislation to enhance transparency and to enhance taxpayer protections before we release additional money.

Earlier this year, Senator DORGAN introduced the Taxpayer Protection Act, something I quickly signed on to as a cosponsor. This legislation is designed to limit executive compensation, to prohibit the kinds of bonuses companies such as AIG, which have received Federal economic assistance, can provide to their employees or their executives. Today we are reminded that the use of taxpayer money should be held to the highest standards of transparency and accountability.

I am hopeful this administration—and we have heard the President say he is committed to doing something about the situation at AIG, and we know this Senate is committed to doing something about the situation at AIG with their executive bonuses—and this body will take the appropriate action to recover the taxpayer dollars AIG has so recklessly spent on bonuses. I intend to do everything I can to support those efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

FISCAL IRRESPONSIBILITY

Mr. INHOFE. Madam President, it is my understanding we are confined to 10 minutes during this timeframe. I will do so, although after listening to the presentation of the Senator from Rhode Island, I wish I had a little bit more time. It is mind-boggling that anyone in this country would look at the budget as put forth by this administration and the spending in the omnibus bill of $410 billion and the deficit for this year of $1.75 trillion, the $787 billion stimulus, as well as the national debt which, projecting forward 5 years, will double under this administration, if the President is successful in getting this spending done, and will triple in 10 years—it is going to be difficult for any Senator to stand and say there is anything fiscally responsible about the behavior of our current President. If you don't believe it, turn on the TV and watch all the tea parties going on around the country. The people understand. They know the level of spending and how outrageous it is.

SIXTH ANNIVERSARY OF OPERATION IRAQI FREEDOM

Mr. INHOFE. Madam President, today is a very significant day. Right now we are actually looking at the sixth anniversary of the Operation Iraqi Freedom. We sometimes have forgotten about the butcher from Iraq and how bad that was. I had personal experience during the first Gulf War of being there and seeing some of the things that went on, the horrible torture and the things that this particular dictator had done to that country. When we went in 6 years ago, it was a very difficult time because we went in with a military that had been downgraded during the Clinton administration. If you take a straight line in terms of what the expenditures were the day he took office, that is how much we reduced it in force strength, in our modernization program. In fact, this euphoric attitude people were talking about, saying the Cold War is over, we no longer need a strong military, that is the environment we had. I think, under those circumstances, we did an incredible job.

I have never been so impressed with an all-volunteer Army. I happen to have been a product of the draft. I believed that offered more discipline. When I went there—and I honestly believe I have made more trips to Iraq and Afghanistan than any other Member as the second-ranking member of the Armed Services Committee—I was privileged to be in places such as Fallujah during all the elections that took place and to see our young people, not all that well equipped, take on difficult odds. The marines in Fallujah were part of this, and it was incredible to watch. It was more than the World War II door-to-door style of combat.

Then I was very proud to be a part of the training of the troops over in Afghanistan. I say that because it was Oklahoma's 45th Division that was involved in training the Afghans on how to train themselves in the A&A. I feel that to have witnessed this, to have been over there in Bagdad, in Kabal, in that whole theater during this time was so impressive to me.

I can remember going into the various mess halls, with our troops there—and at that time, IEDs, at an unprecedented rate, were killing and maiming our soldiers—and the bravery they had. One of the questions they used to ask me, in the early stages of this war—6 years ago and 5 years ago—was: Why is it the American people do not understand what we are doing here? Why don't they understand if we do not stop the terrorism here, it is going to be back at our borders the way it was on 9/11? My response to them was I think they are. We are not getting good reporting out of the media. That started changing as improvements came along.

As I witnessed the opportunities that were there, our troops, all of a sudden, during this surge anyway, were gaining a lot more support, and that completely turned it around. GEN David Petraeus did a remarkable job. In fact, all our generals over there did.

So I think it is incumbent upon us today to remember this is the 6th year. This is something that was absolutely necessary for the safety and the freedom we enjoy here in this country. We should be applauding all our troops as they come back.

To me, it was a little unconscionable, just 3 or 4 days ago, when the White House was coming out with a program that would have impaired our wounded veterans coming back from Iraq and the Middle East from access to VA health care. Because of all the people—I am sure the phones are ringing off the hook at the White House—last night they backed away from that. But, nonetheless, we are not getting the support we should be getting now for our military at this time.

Keep in mind, if we went through an 8-year period of dropping down the support, and then we look at the budget that is in today, it is an inflated budget in spending in every possible area except defense. I think it should be our priority now, as we remember what happened 6 years ago today.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

CLIMATE CHANGE

Mr. MCCAIN. Madam President, I come to the floor to discuss for a few minutes with my colleague from South Carolina the issue of climate change.

We all know the budget will be forthcoming. We already understand there will be some $650 billion included in the budget for general revenues that would go as revenues from climate—here it is: $646 billion over 8 years. According to some aides to the administration, it could be as much as $2 trillion. Remarkable.

What we have done is we have gone from an attempt to address the issue of climate change through cap and trade to just generating $680 billion or $2 trillion without a trace of bipartisanship, without any consultation, without discussions. What we have done on the issue of climate change, by basically funneling $680-some billion, is we have destroyed any chance of bipartisanship, and the administration is proposing a plan which will have a crippling effect in a bad economy on, particularly, parts of the country and lower income residents in the South and Midwest.

First of all, if we are going to do cap and trade, we should have generous allowances for people who are now operating under certain greenhouse gas emission conditions.

Second of all, any money, any revenues that are gained through cap and trade clearly should not go to just ''general revenues.'' Any funding

should go directly to the development of technologies which will then reduce greenhouse gas emissions. That has to be a fundamental principle. So the administration, in this budget, is basically using it as just a revenue raiser.

By the way, the entire budget contains no references to nuclear power, except striking funds for the Yucca Mountain nuclear waste repository, for which the utilities—passing it on to the ratepayers—have paid somewhere between $8 billion and $13 billion for Yucca Mountain to be used as a spent nuclear fuel repository. So it is remarkable.

The Secretary of Energy told me in a hearing in the Energy Committee: Yucca Mountain is finished. I said: What about reprocessing? Can't do that either.

So here you have nuclear powerplants—there are 120 of them operating in the United States of America today—and we cannot reprocess and we cannot store. So what do we do? We either keep them in pools or ''solidification'' outside of nuclear powerplants all over America—clearly, a threat to the Nation's security.

Let me say to my colleagues, I am proud of my record on climate change. I have been all over the world, and I have seen climate change. I know it is real, and I will be glad to continue this debate with my colleagues and people who do not agree with that. I believe climate change is real.

I believe with what we did in addressing acid rain, which was through a cap-and-trade kind of dynamic, we were able to largely eliminate the problem of acid rain in America. So it has been done before, and we can do it again, admittedly on a much smaller scale.

In the Antarctic, in Alaska and even in the rain forests of Brazil and here in the United States, we are feeling the effect of climate change. So here we are, with a chance to work together in a bipartisan fashion on the issue, and what does the administration do? They send over a budget which earmarks $600-and-some billion—$646 billion—which would then go to general revenues, with no consultation or discussions on the issue. I am proud to have worked with Senator LIEBERMAN in years past on trying to address the issue of climate change.

Of course, there is no mention of nuclear power. I do not wish to spend my time on the floor, too much, on nuclear power. But according to the Department of Energy—and depending on whom you talk to—solar will contribute something like 5, 10, at most, 15 percent of our renewable energy needs between now and 2050. Wind, tide, all those others may contribute another 10, 15, 20 percent.

There is a vast, gaping hole in our demand for renewable energy, and nuclear power and hydro can fill those. This administration has turned its back completely on nuclear power. So what do we tell the ratepayers and the utilities that have been paying billions of dollars? As I mentioned, somewhere between $8 billion and $13 billion they have invested in Yucca Mountain. And now we are canceling it? Well, maybe they ought to get their money back since it was Government action that made Yucca Mountain no longer a viable option.

We need to debate this issue. We need to address it separately. We certainly do not need to address the issue of climate change and how we are going to remedy it through the budget process.

By the way, the Obama administration plans to use revenues as a slush fund to meet budgetary shortfalls, as I mentioned. Only $120 billion of the $650 billion in new revenues would go to climate policy spending, $15 billion a year out of the $650 billion would go for clean energy technologies. There is no detail in the budget as to what this includes or excludes—except for closing Yucca Mountain.

Nuclear is not mentioned in the entire budget. Most of the remainder of the revenues generated from the present cap-and-trade proposal as sent over and part of the budget will be used to pay for the Making Work Pay tax credit. I would add that the administration argues that the Making Work Pay tax credit will offset the increase in utility bills caused by their cap-and-trade policy. However, the credit is phased out for taxpayers earning between $75,000 and $95,000 a year for individuals and $150,000 to $190,000 for married couples.

So the administration is insisting on 100 percent auction which, obviously, would be an incredible detriment to a very serious approach. Our economy is suffering. At times such as these, it is particularly important we provide for transition assistance that will not result in higher energy costs. Again, I wish to point out 100 percent auction will harm heavy manufacturers, the very ones who need the help the most: automobiles, concrete, et cetera, and the lower income residents of the South and Midwest.

Every reasonable cap-and-trade bill in the past has been a blend of auction and allocations—except for this one. The hybrid approach allows heavy manufacturers and coal-fired utilities time to meet emissions targets without needing to exponentially raise energy costs for consumers.

So the administration has sent us a budget with not a single mention of nuclear power and Yucca Mountain no longer an option. No Yucca Mountain means no waste confidence and, certainly, no new licensing, no spent fuel recycling. Secretary Chu is insinuating the French and Japanese, who have been recycling for decades, are ''reckless.''

So what we need to do is take up separately the issue of climate change legislation. It would have a gradual implementation schedule. It would allow for the economy to adapt while we meet our environmental goals. The policy must aggressively promote nonemitting green energy technologies, such as nuclear power, hydro, and others. We should pursue a hybrid approach of auctioning a portion of credits while reserving a large portion of the credits that we could allocate to those who need the most help, complying with the emission reductions. Revenues should be used to promote new technologies, help low-income people with the increased costs of electricity, and pay down the debt—not expand the Federal Government.

So it is with some regret I come to the floor to discuss this important issue with a total lack of bipartisanship on the part of the administration and, again, express my willingness—in fact, my deep desire—to sit down and try to address, in a bipartisan fashion, this compelling issue, which is endangering the future of this planet and certainly our children's and grandchildren's future, and that is the issue of climate change.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, one, I would like to recognize the role Senator MCCAIN has played on this issue. It is not something he comes to lightly, when the issue of climate change is discussed. He put together a cap-and-trade system with Senator LIEBERMAN at a time when it was not very popular among some Republicans. But I think he understands the issue as well as any Member I have talked with.

The idea that what we put into the environment can affect our environment—I am not a scientist, but that is common sense to me. Acid rain is a reality. It was a reality. You could see it in the Southeast, where the Presiding Officer lives in North Carolina, and in South Carolina. It was a cap-and-trade system, a new technology that solved that problem. So it is not much of a stretch to me that CO_2 carbon emissions that we are putting into our environment from transportation and power production is heating up the planet, but we can have that debate. If you are serious about energy independence as a nation, it would be good to get away from fossil fuels coming from the Mideast. Clean coal technology is something worth pursuing. The worst thing that could happen to the climate change debate is—you cleaned up your planet and you passed on a better environment to your children only if you did it responsibly.

Really, the worst thing that could happen to the climate change debate is what this administration is doing. They have destroyed, in my opinion, a lot of bipartisanship by coming up with a $646 billion budget number, revenue to be created from a cap-and-trade system they never talked to anybody about who has been involved in the issue. This is a radical, reckless departure from the climate change debate that existed before they took office.

This 100 percent auction is a bit complicated to explain, but it is a major

departure from the solutions that have existed in the past. Under the McCain-Warner-Lieberman approach, 22 percent of the credits available to industry and energy users would be auctioned and there would be an allocation of credits.

What do I mean by that? A cap-and-trade system at its very basic level—concept—is that we are going to put limits on how much carbon you can emit into the air as an industry. We will have one for the power sector, the transportation sector, for manufacturing. We are going to put a cap on these industries, and anything you emit above that cap, you are going to have to go get a credit, purchase a credit.

Well, if you have a 100-percent auction of these credits, hedge funds are going to come in and buy these credits and bid them up, so it would be very hard for an industry to purchase the credits. People start speculating with these credits.

Now, the northeastern compact has a 100-percent auction, but the emission standards they have decided upon allow—basically, it is greater than the current emissions that exist, so the credits only trade for $3 because they don't have much of a cap that puts pressure on anybody. The only way you will solve this problem is to have caps that will push people to get away from using carbon, but our manufacturing sector is hanging by a thread in the global economy. If you put too much of a burden on these industries to move away from carbon and their cost of doing business goes up vis-a-vis their competitors in China and India, you are going to put them out of business.

So in some circumstances, you have to allocate to these industries some credits so they can make it through the transition phase. This idea of having a 100-percent auction on day one is a radical departure, and it does generate more revenue, and I think that is what this whole exercise is about—revenue—not solving the climate problem. They have a budget problem, and they are using the climate change debate to generate money.

I have asked the Secretary of Energy and the OMB Director: Where did you get $646 billion to plug into your budget? What system did you evaluate that would generate that much money? What did the credits trade for? Nobody has a clue. I literally think they made up these numbers. Some people are talking about the $646 billion being maybe half of what the actual cost would be if you went to a 100 percent auction. So this is a major departure from the way we have tried to solve the climate change problem in the past, and I think it is going to destroy the ability of the Congress to come together to solve a problem that is looming for the world and particularly this country.

So I hope our colleagues who are serious about the climate change issue will reject this proposal, and let's get together, talk among ourselves, rather than making up numbers that will increase the cost to American consumers by hundreds of dollars a month. This idea of using revenue from a cap-and-trade system to pay for a tax plan of the administration is a complete departure from what we have been doing in the past. I wouldn't expect my Democratic colleagues to allow the Republican Party to come up with a cap-and-trade system to fund one of our projects. The money from a cap-and-trade system should go back into the energy economy to help people comply with the cost of a cap-and-trade system and to develop technologies to get us away from using carbon.

The make work pay tax program is something I don't agree with. It doesn't apply to everybody who will be using energy, and it is a departure from how we would envision the use of revenue, and that is a problem that has to be addressed. If the administration is going to insist on a cap-and-trade system that would generate this much money from our economy at a time when we are weak as a nation economically and would dedicate the revenue to controversial programs, they have done more to kill the climate change debate than any group I know of. You have some people who disagree with the idea that climate change is real. I respect them. They are attacking it up front. We are having a genuine debate. But to say you believe in climate change as a result, and you devise a program such as this without talking to anybody means that you have put climate change second to the budget problems you have created by a massive budget. So this is not going to bear fruit. This is a very low point, in my opinion, in the bipartisan effort to try to create a meaningful inclusion to climate change. I hope the administration will reconsider.

To my Democratic colleagues, those of you who stood up and said: We are not going to let reconciliation—we only need 50 votes to pass something regarding climate change; we are not going to go that route, you have done the country and the Senate a lot of good because if you ever try that, you have destroyed the position of the minority in the Senate on a major piece of legislation, and that is not what we need to be doing. That is certainly not the change that anybody envisioned. That would be a radical departure in terms of how reconciliation has been used in the past.

To take an issue such as climate change, which has a massive economic impact and is politically very difficult with a lot of honestly held differences, and jam that through reconciliation, well, that would not be the politics of the past, that would be the politics of the past on steroids. That would be taking us to a place where no one has gone before, and if you wanted to destroy any chance of working together, that would be a good way to do it.

Now, as to my colleagues on the Democratic side who see through that, God bless you for standing up and not letting that happen.

So I wish to end my discussion with where I began. Senator MCCAIN and others have charted a path that would lead to a bipartisan solution. I hope the President will consider nuclear power because it is very disingenuous to say you want to solve the climate change problem and you will not address nuclear power as part of the solution. Seventy percent of the energy that is created in America that is not emitting, that has no carbon base, comes from nuclear power. When he campaigned for President, candidate Obama openly talked about offshore drilling and nuclear power. When his budget comes out, there is nothing in the budget to enhance nuclear power, and Yucca Mountain is now going to be closed, apparently, and the idea that reprocessing of spent fuel is the way to store less spent fuel seems to be resisted by this administration.

So I thought we were going to have an administration where science trumped politics. Well, I can assure you when it comes to nuclear power, politics is trumping science. Other than that, I have no problem with what they are doing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE BUDGET

Mr. ENSIGN. Madam President, this Nation is in the midst of a serious and defining challenge. Every single day we are buried in the news of our economic turmoil. Thousands more are being laid off, foreclosures are reaching new highs, property values are dipping to new lows, more businesses are shutting their doors, and Americans are struggling to pay for life's essentials. Consumer confidence is tragically low, and Congress has not acted appropriately to make things better. If this is not another Great Depression, it is surely greatly depressing.

Instead of innovative policies that put more money in the hands of consumers and create incentives for small business growth, we are passing trillion-dollar and multibillion-dollar spending bills as if we are in a race to spend money as quickly and as recklessly as possible. It is time to say hold on. It is time to seriously consider what we are doing, what the impact will have, and how we are quickly driving this Nation off a financial cliff.

For as long as living standards have been recorded, Americans have looked to the next generation as an improvement over the last generation. Opportunities, living standards, and conditions have improved. Technology and research have advanced. There is hope that our children will have more, that it will be even better for them. The optimism that has been uniquely American has always driven us to want more for the future generations but, unfortunately, that has changed. Now we are

becoming accustomed to taking more from future generations. We are digging ourselves into greater and greater debt at an alarming and an unbelievable rate. We are spending obscene amounts of money today without thinking about who will pay for it. This keeps falling on deaf ears, but it is our children and our grandchildren who will be stuck with the bill.

I know some of my colleagues like to ask: Where was this concern over the last 8 years as the deficits kept rising higher and higher and higher? Rest assured, there has always been a dedicated group of us beating this drum of fiscal responsibility. My question is, why aren't my Democratic colleagues listening now? They can keep blaming the policies of yesterday while this happens, or they can step up now, as more and more of my colleagues have, to demand an end to this selfish spending addiction.

Alexis de Tocqueville once observed that America was made great because of its good and moral people. How good and moral are we if we are so committed to this immediate gratification that we are willing to jeopardize the potential of our children and our grandchildren? If we continue to spend at the rate we are, our children, and even some of us, will be facing tax bills as high as 88 percent. If you think we will still be the land of opportunity with that kind of tax rate, you are wrong.

When I speak to high school students today and tell them they may be facing tax rates as high as 88 percent when they start working, they become speechless. You can see the disbelief and the fear on their faces. It takes a lot to really throw off teenagers these days. Forget doing better than their parents. They won't have a fighting chance at any level of success while bearing this kind of a tax rate burden.

We cannot afford to let selfishness absorb our purpose of life. Once that takes root in our policies, as we are seeing right now, the great experiment of this democracy will be closed and ready for the history books.

Instead, we need to refocus. We need to refocus our efforts on another very American concept—that we are each in control of our own destiny. That means we keep more of our own hard-earned money because we know best how to spend it or save it or invest it. We don't just throw all of our money to the Government and let them choose one cause they believe is better than another cause. That has never been the American way.

Unfortunately, the Obama administration is taking a huge step away from this concept with its effort to knock down charitable groups at a very crucial time. Non-profits around the country are feeling the pain of this economic recession today, and they are serving more and more people and are having a harder and harder time raising the funds they need to address these increased needs. It is a horrible situation. To make it worse, the Obama budget seeks to reduce the tax deduction that donors can take for their contributions. Studies show that this type of change will discourage almost half of those people from making charitable contributions.

The outrage from the non-profit world in Nevada and across the country has been loud and clear. Groups across the spectrum—education, health care, food banks, rehab, et cetera—have all been stunned by this attack on their missions.

Charitable groups have come face to face with an administration that wants to spread the wealth by spending more money on government solutions to education, health care, hunger, and other services.

Unfortunately, the administration's budget is saying to these groups, who work tirelessly in the communities to improve the quality of life of the citizens, that Government knows better and can do better. I believe, as many others do, they are wrong on this point.

I hope more of my colleagues and more Americans will join me in expressing outrage over the Obama Administration's efforts to decrease the charitable deduction for certain taxpayers.

For all the campaigning the President did on transparency in Government spending, he is going to have an awful lot of trouble masking the intent of his budget. It is full of tax hikes that will stifle future growth and knock the wind out of the middle class.

Benjamin Franklin once said:

> It is a maxim that those who feel, can best judge.

Well, the American people are feeling a great deal of pain right now. They are in a perfect position to know what will best improve the economic situation they are facing, and it is not tax increases.

While President Obama has promised not to raise taxes on families who earn less than $250,000 a year, a proposal called cap and trade will certainly result in people paying more for everything that takes energy to produce—obviously including their electricity bills. This is an indirect tax on all Americans.

This is a quote from last year by then-candidate Barack Obama:

> Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

He is admitting electricity rates will skyrocket under his plan of cap and trade. Does he really think Americans can afford that right now? This is a violation of a campaign promise, just like the one made by the first President Bush when he said, ''Read my lips.''

Energy Secretary Steven Chu explained earlier this month that because higher prices are supposed to motivate changes necessary to reduce carbon energy use, climate taxes may drive jobs to countries where costs are cheaper. I didn't realize our country was in a position right now to drive jobs overseas. I know lots of Americans who are looking for jobs right here, right now.

People seem to think they have discovered a pot of gold, but that money comes out of the pockets of American families. This is a tax we will all pay—rich and poor. The average annual household burden will be a little over $3,000—and that is on the low end of the estimate. How many families do you know right now who can handle an additional $3,000 a year? And because it is a regressive tax, lower income families will actually be hit the hardest.

Compare this to a Making Work Pay tax credit that is supposed to help working families by using money from the new climate tax. Individuals, under the President's proposal, will get $400 per year, with a phase-out at earnings of individuals earning $75,000 a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Families will get $800, with a phase-out of earnings of $150,000 a year. I am pretty sure that if we ask most families whether they would like to get $800 in return for paying over $3,000, they would tell us to just skip the whole exercise. In that respect, the American public is smarter than many folks in Washington.

What will Washington do with the excess money this bill generates? We know what it will do: it will spend it, of course.

Not to worry, President Obama's budget provides targeted tax increases as well—targeted at small businesses that are responsible for a significant amount of the job creation in this country. Top tax rates on small businesses are going up under President Obama's proposed budget. The lower rate is 33 percent now, and under his proposal it will go to 40 percent. On the highest end, right now, it is 35 percent, and that will go to 42 percent.

History and research have shown that raising taxes on businesses depresses investment. It is not surprising that lower taxes on businesses increase employment and wages. It seems like a no-brainer. But in this new area of Government command and control, rather than personal responsibility, President Obama is opting to increase people's taxes—especially on those who creates jobs—in order to pay for a larger and more intrusive Government.

This tax, the President has said, only affects 3 to 4 percent of the small businesses out there. This chart refers to the fact that about half of the small businesses, with 20 or more employees, are eligible for the top tax rates I just pointed out.

This is the important point to make: these small businesses that will be hit by this tax create two-thirds of the jobs in America, and we are going to raise their taxes. That doesn't seem like a bright thing to do, especially

with the economic position we are in today. My home State of Nevada has been led by small businesses. We have led the country for many years on the percentage of small businesses creating jobs. We really can't afford to have small business taxes increased in my State, nor in any other State across the country.

Going back to the wise words of Benjamin Franklin, the American people are feeling the pain of this economy. They elected President Obama because he campaigned on a slate of ''change.'' I don't believe this is the change the American people signed up for: reckless and endless spending, higher taxes on small businesses, increased energy costs for all families, fundraising hurdles for charitable groups, and a devastating national debt. The list goes on and on.

Madam President, this is the President's budget, and it is a recipe for disaster. We need to come back to the idea of personal responsibility and letting families and businesses have more of their own money to make the kinds of decisions and investments that will drive prosperity in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. KOHL and Mr. GRASSLEY pertaining to the introduction of S. 647 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Elena Kagan, of Massachusetts, to be Solicitor General of the United States.

The PRESIDING OFFICER. There is now 6 hours of debate on the nomination, equally divided between Senator LEAHY, the Senator from Vermont, and Senator SPECTER, the Senator from Pennsylvania.

Mr. LEAHY. Mr. President, before we begin, I know that a number of people—I see Senator GRASSLEY, Senator KOHL, and Senator CARDIN on the floor—a number of people have asked me—I hope we will not be taking the full 6 hours. I have not discussed this with Senator SPECTER, so I cannot speak for him. A few of us are going to speak briefly. I hope at some point we will be able to yield back the remainder of our time and go to the vote. I know a number of Senators, especially Senators from the west coast of both parties, tell me they want to try to reach planes later today. And with the weather, there is some problem. So I hope we might be able to yield back time.

Today, the Senate considers the nomination of Elena Kagan to be Solicitor General of the United States. It is fitting that we consider this historic nomination this month—and I think of my wife, my daughter, and my three granddaughters—because, of course, this is Women's History Month. When Elena Kagan is confirmed, she is going to become the first woman to serve as Solicitor General of the United States.

Nearly 10 years ago, President Clinton nominated Elena Kagan for a seat on the Court of Appeals for the DC Circuit. At that time, she had served as a clerk for Supreme Court Justice Thurgood Marshall and for Judge Abner Mikva on the DC Circuit, a law professor at the University of Chicago, Special Counsel to the Senate Judiciary Committee, Associate Counsel to the President of the United States, Deputy Assistant to the President for Domestic Policy, and Deputy Director of the Domestic Policy Council. Her credentials also included two years at Williams and Connolly and a stellar academic career, graduating with honors from Princeton, Oxford, and Harvard Law School, where she was Supervising Editor of the Harvard Law Review. Despite her outstanding record, the then-Republican majority on the Judiciary Committee refused to consider her nomination. In a move that was unprecedented, she was among the more than 60 highly qualified Clinton nominees that were pocket-filibustered. No Senate majority—Democratic or Republican—has ever done anything like that before or since. Apparently, they felt she wasn't qualified. So she returned to teaching, becoming a professor at Harvard Law School and, in 2003, she became the first woman to be dean of Harvard Law School.

Now, I mention that not just because Elena Kagan reached one of the pinnacles of the legal profession, but in that position, she earned praise from Republicans and Democrats, as well as students and professors, for her consensus-building and inclusive leadership style. She broke the glass ceiling. Now Dean Kagan is poised to break another glass ceiling. Similar to Justice Thurgood Marshall, for whom she clerked, she would make history if confirmed to what Justice Marshall described as ''the best job he ever had.'' I hope that today the Senate will finally confirm her as President Obama's choice to serve the American people as our Solicitor General.

Two weeks ago Dean Kagan's nomination was reported out of the Senate Judiciary Committee, 13 Senators voted in favor, only 3 opposed. Senator KYL, the Assistant Republican Leader, and Senator COBURN voted in favor of the Kagan nomination, and I commend them. Just as I voted for President Bush's nominations of Paul Clement and Gregory Garre to serve as Solicitor General, Senator KYL and Senator COBURN looked past the differences they might have with Dean Kagan's personal views, and recognized her ability to serve as Solicitor General.

I am disappointed that after 2 weeks, with so many critical matters before the Senate, the Republican Senate minority has insisted on 6 hours of debate on a superbly qualified nominee who has bipartisan support. Democrats did not require floor time to debate the nominations of President Bush's last two Solicitors General, Paul Clement and Greg Garre, who were both confirmed by voice vote.

Even the highly controversial nomination of Ted Olson to be Solicitor General, following his role in the Florida recount and years of partisan political activity, was limited in early 2001 to less time. He was eventually confirmed by a narrow margin, 51 to 47. That was the exception. Other than that controversial nomination, every Solicitor General nomination dating back a quarter century has been confirmed by unanimous consent or voice vote with little or no debate.

Just last week, the Republican Senate minority insisted on 7 hours of debate on the Deputy Attorney General nomination before allowing a vote. Of course, after forcing the majority leader to file for cloture to head off a filibuster and then insisting on so much time, the Republican opposition to that nomination consumed barely 1 hour with floor statements.

I wish instead of these efforts to delay and obstruct consideration of the President's nominees, the Republican Senate minority would work with us on matters of critical importance to the American people. I will note just one current example. Two weeks ago the Senate Judiciary Committee reported an antifraud bill to the Senate. The Leahy-Grassley Fraud Enforcement and Recovery Act, S. 386, needs to be considered without delay. It is an important initiative to confront the fraud that has contributed to the economic and financial crisis we face, and to protect against the diversion of Federal efforts to recover from this downturn.

As last week's front page New York Times story and the public's outrage over the AIG bailout remind us, holding those accountable for the mortgage and financial frauds that have contributed to the worst economic crisis since the Great Depression is what the Senate should be spending its time considering. We have a bipartisan bill that has the support of the United States Department of Justice. It can make a difference. In addition to Senator GRASSLEY, Senator KAUFMAN, Senator KLOBUCHAR, Senator SCHUMER and Senator SHELBY have worked with us on that measure. I would much rather be spending these 6 hours debating and passing that strong and effective antifraud legislation.

Our legislation is designed to reinvigorate our capacity to investigate and prosecute the kinds of frauds that have

undermined our economy and hurt so many hardworking Americans. It provides the resources and tools needed for law enforcement to aggressively enforce and prosecute fraud in connection with bailout and recovery efforts. It authorizes $245 million a year over the next few years for fraud prosecutors and investigators. With this funding, the FBI can double the number of mortgage fraud taskforces nationwide and target the hardest hit areas. The bill includes resources for our U.S. attorneys offices as well as the Secret Service, the HUD Inspector General's Office and the U.S. Postal Inspection Service. It includes important improvements to our fraud and money laundering statutes to strengthen prosecutors' ability to confront fraud in mortgage lending practices, to protect TARP funds, and to cover fraudulent schemes involving commodities futures, options and derivatives as well as making sure the government can recover the ill-gotten proceeds from crime.

I have been trying to get a time agreement to consider the measure ever since March 5 when the Judiciary Committee reported it to the Senate. We can help make a difference for all Americans. Instead of wasting our time in quorum calls when no one is speaking, or demanding multiple hours of debates on nominations that can be discussed in much less time before being confirmed, let us work on matters that will help get us out of the economic ditch that we have inherited from the policies of the last administration and let us begin to work together on behalf of the American people.

The Kagan nomination is not controversial. Every Solicitor General who served from 1985 to 2009 has endorsed her nomination—Republicans and Democrats from across the political spectrum. They include: Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement and Greg Garre. In their letter of support, they wrote:

> We who have had the honor of serving as Solicitor General over the past quarter century, from 1985 to 2009, in the administrations of Presidents Ronald Reagan, George H..W. Bush, William Clinton, and George W. Bush, write to endorse the nomination of Dean Elena Kagan to be the next Solicitor General of the United States. We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court.

Prominent lawyers who served in the Office of the Solicitor General in Republican and Democratic administrations have written to praise Dean Kagan's ''great legal and personal skills, intellect, integrity, independence and judgment,'' concluding that ''she has all the attributes that are essential to an outstanding Solicitor General.''

Deans of 11 of some of the most prominent law schools in the country describe Dean Kagan as ''a person of unimpeachable integrity'' who ''has been a superb dean at Harvard where she has managed to forge coalitions, attract excellent faculty, and satisfy demanding students.'' They call her ''superbly qualified to fulfill the role of representing the United States in the Supreme Court.'' If there were an equivalent to the ABA rating for judicial nominees, hers would be well-qualified.

One of the conservative professors Dean Kagan helped bring to Harvard Law School was Professor Jack Goldsmith, who took charge of the Office of Legal Counsel after the disastrous tenures of Jay Bybee and John Yoo. Professor Goldsmith, a conservative, praised Dean Kagan as someone who will ''take to the Solicitor General's Office a better understanding of the Congress and the Executive branch that she will represent before the Court than perhaps any prior Solicitor General.''

Iraq war veterans wrote a letter to the editor of the Washington Times stating that Dean Kagan ''has created an environment that is highly supportive of students who have served in the military,'' describing the annual Veterans Day dinner for former service members and spouses that she hosts, and the focus she has placed on veterans at Harvard Law School and the military experience of students.

Dean Kagan has taken every conceivable step to meet with Republican Senators and to respond to their supplemental questions to her. Just this week she responded to a letter from the ranking Republican Senator on the committee with extensive written materials. Her answers during her hearing, in her written follow-up questions and then, again, in response to Senator SPECTER's letter, were more thorough than any Solicitor General nominee in my memory. They are light years better than those provided by Ted Olson or other nominees of Republican Presidents. I hope that we will not see Senators applying a double standard to her and her answers. Those who voted for Ted Olson and Paul Clement and Greg Garre based on their answers can hardly criticize Dean Kagan.

Dean Kagan went above and beyond to provide more information than previous nominees. She did not draw the line as Senator SPECTER has previously complained, at saying only as much as needed to get confirmed by a majority vote. Instead, she went well beyond that to disclose as much about her personal views as she thought she could consistent with her duties. As she explained in her March 18, 2009, letter to Senator SPECTER:

> [T]he Solicitor General is acting not as policymaker, but as a lawyer representing the long-term interests of the United States. The Solicitor General would make decisions . . . based not on personal views, but on determinate federal interests. And the Solicitor General's office has longstanding and rigorous processes in place, usually involving numerous client agencies and components, to identify and evaluate the nature and extent of these interests.

Dean Kagan has shown that she has a deep understanding of the role of the Solicitor General and her exemplary record makes her well qualified to fulfill those important duties. Last week, when establishing the White House Council on Women and Girls, President Obama noted: ''[T]oday, women are serving at the highest levels in all branches of our Government.'' Let us not take a step backward to the days when women were not allowed to be lawyers or hold the top jobs. I think of the history of when Sandra Day O'Connor graduated from Stanford Law School with a stellar academic record and was told she could only have a secretarial job because, after all, she was a woman. Some woman. She became one of the most prominent members of the U.S. Supreme Court.

It is time for breaking through barriers. It is interesting when you look at the quality of these people. When Sandra Day O'Connor was nominated, one of my close friends in the Senate, who was her primary supporter, Senator Barry Goldwater of Arizona, brought her to my office. He said:

> You know, sometimes she will probably vote ways I will disagree with; sometimes I will agree with her. I am not asking her how she is going to vote on issues, I am just asking her to be honest and fair and use her great talent. That is all anybody can ask for.

She was confirmed, of course, unanimously.

Barry Goldwater was right. I believe I am, too, when I say it is time for breaking through barriers for this highly qualified person. It is also a time for our daughters and granddaughters to see a woman serving as a chief legal advocate on behalf of the United States.

I urge all Senators to support President Obama's nomination and vote to confirm Elena Kagan to be Solicitor General of the United States.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, when President Obama nominated Elena Kagan to be the Solicitor General of the United States, I must tell you, I was extremely pleased because I knew of her reputation, I knew of her background, and I thought she would be an excellent choice to be the Solicitor General of the United States.

Chairman LEAHY allowed me to chair the hearing on her confirmation. At that hearing, there were spirited questions asked by many members of the Judiciary Committee. We had a chance to review the background record we go through in the confirmation process. Ms. Kagan responded to the questions of the committee members.

I must tell you, I was even more impressed with this individual to be Solicitor General of the United States. I

thought she did an excellent job in responding to the questions of the committee and answering them with candor and giving great confidence that she will represent the United States well before the courts of this country.

The Solicitor General has to appear before the Supreme Court. The Supreme Court Justices can be very difficult in their questioning, as can Members of the Senate during confirmation. I think Elena Kagan demonstrated her ability to represent our Nation well as the Solicitor General of the United States.

She comes to this position very well qualified, as far as her experience is concerned. I know Chairman LEAHY has spoken frequently about the need to continue to restore the morale and integrity of the Department of Justice which has been battered in recent years. I think Elena Kagan will help us restore the reputation of the Department of Justice and help us because of her dedication—and experience—to public service.

She brings a wide range of service, having served as dean of a law school, a law professor, a senior official at the White House, a lawyer in private practice, a legal clerk for a Justice of the Supreme Court.

A graduate from Princeton University and Harvard Law School, Ms. Kagan clerked for Justice Thurgood Marshall on the Supreme Court and then worked as an associate at the Washington law firm of Williams & Connolly. While teaching law at the University of Chicago, she took on another special assignment as special counsel to Senator JOE BIDEN who was then chairman of the Judiciary Committee. Ms. Kagan assisted in the confirmation hearings of Supreme Court Justice Ruth Bader Ginsburg.

Then in 1995, Ms. Kagan returned to public service to serve as President Clinton's associate White House counsel, Deputy Assistant to the President for Domestic Policy, and Deputy Director of the Domestic Policy Council. So she has a combined academic background as well as public service.

In 1999, Ms. Kagan left Government and began serving as a professor at Harvard Law School, teaching administrative law, constitutional law, civil procedures, and a seminar on legal issues and the Presidency.

In 2003, she was appointed to serve as the dean of the Harvard Law School, becoming the first woman ever to be dean in that school's history.

We have a lot of information that we gather during the confirmation process. One of the most impressive letters was a letter we received from the deans of 11 major law schools in support of the nomination. These are your colleagues. They know you best. They know your qualifications.

The letter states in part that the Office of Solicitor General is a job that ''requires administrative and negotiation skills as well as legal acumen, and Elena Kagan excels along all relevant dimensions. Her skills in legal analysis are first rate. Her writings in constitutional and administrative law are highly respected and widely cited. She is an incisive and astute analyst of law, with a deep understanding of both doctrine and policy. . . . Ms. Kagan is also an excellent manager. She has been a superb dean at Harvard . . . Finally, Elena Kagan is known to us as a person of unimpeachable integrity.''

The Solicitor General of the United States holds a unique position in our Government. The Solicitor General is charged with conducting all litigation on behalf of the United States in the Supreme Court and is often referred to as the ''10th Justice.'' Indeed, the Supreme Court expects the Solicitor General to provide the Court with candid advice during oral argument and the filing of briefs on behalf of the United States. The office participates in about two-thirds of all the cases the Court decides on the merits each year.

So it is indeed high praise for Dean Kagan that former Solicitors General Walter Dellinger and Ted Olson joined with six other Solicitors General from both parties—Democrats and Republicans—to write a letter endorsing her nomination. If I might, I would like to quote from the letter from the former Solicitors General who endorse Ms. Kagan's nomination to be Solicitor General of the United States. The letter states, in part:

> We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court. Elena Kagan would bring to the position of Solicitor General a breadth of experience and a history of great accomplishment in the law. We believe she will excel at this important job of melding the views of various agencies and departments into coherent positions that advance the best interests of our national government. She will be a strong voice for the United States before the Supreme Court. Her brilliant intellect will be respected by the Justices, and her directness, candor and frank analysis will make her an especially effective advocate.

At the same time, we want the Solicitor General to be independent. That person must exercise independent judgment in representing the best interests of the United States before the Court. Ms. Kagan has shown that independence throughout her career, but she also understands she must follow the law. Let me cite one final letter in support of Ms. Kagan's nomination. The letter is from former Deputy Attorney General Jamie Gorelick and former Attorney General Janet Reno. The letter notes that Elena Kagan would be the first woman to hold this office and that the confirmation will:

> . . . represent an important milestone for the Department of Justice and for women in the legal profession. We have no hesitation in concluding that Kagan possesses the skills and character to excel in the position for which she has been nominated.

Tomorrow will mark President Obama's 60th day in office, and I think it is fitting that today we are on the verge of confirming Elena Kagan's nomination so she can join with the Attorney General in helping to restore the competence of the Department of Justice for the American people. I am certain she will make an excellent Solicitor General, and I hope we will promptly confirm her nomination.

With that, I yield the floor.

Mr. LEAHY. I wish to thank the distinguished Senator from Maryland, who is a valuable member of the Senate Judiciary Committee, for stepping in on such short notice when I had to step off the floor.

I have asked my colleagues on the other side—and I know this is something that is being looked at because we have both Republicans and Democrats, as I said earlier, trying on a rainy day to move around airplane schedules—if we might be able to have the vote very soon but to reserve the time for Senators who have asked to speak on this subsequent to the vote.

There are no Republicans on the floor at the moment, so I am obviously not going to make a unanimous consent request, but were I to make a unanimous consent request, it would be after consultation with the Republican side that we go ahead and have the rollcall vote and then continue whatever time is necessary for debate.

So I mention that is a request I will make at some point, when there is somebody to represent the Republican leader on the floor.

Until then, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORTGAGE CRAM-DOWN

Mr. DURBIN. Mr. President, you are from the State of Ohio; I am from the State of Illinois. We face similar circumstances when it comes to mortgage foreclosures. Lots of the best and strongest cities in my State, large and small, are being inundated with mortgage foreclosures.

Now, this started off with this predatory trap where a lot of people were lured into mortgages they could not afford. But there was a mortgage broker telling them: It will all work out. The price of your home is going to go up, and it is going to be a good source for you to borrow money in the future. So stretch a little. Trust me. You can make these payments, and a year from now, or when the mortgage readjusts, everything is going to be just fine.

It did not work that way. Some people went into these mortgage agreements and negotiations without the equipment to understand what they were getting into.

I am a lawyer by training. I have been through a lot of closings for real estate. We all know what it is about. They sit you in a room, your wife by your side, and put a stack of papers in front of you. They start turning the corners, talking faster than any salesman you have ever run into, telling you: Do not worry about this one, sign it. Do not worry about this one, sign it. It is routine, required by Federal law—on and on and on. Pretty soon, with your hand weary at the end of half an hour or so, you have signed 30 or 40 documents. They hand you the paper and say: The first payment is due in 60 days. I know you are going to love this place.

That is what most closings are all about. Not many lawyers and very few purchasers stop them and say: I want to read this document. Can you tell me what paragraph 6 means? Are you sure I am understanding everything this means?

Most of the time, the average people in America are at the mercy of the folks sitting around them. They are bankers, they are lawyers, real estate agents. They are at their mercy and, unfortunately, under some circumstances, some people were misled into mortgage arrangements which were just plain wrong.

For the longest time we went through something called no-doc mortgages. Do you know what that means? No documentation.

How much money do you make?

Oh, I don't know, $50,000.

How much debt do you have?

Oh, I don't know, maybe $10,000.

You qualify.

Do you need some documentation?

No, we have to move this through fast. We need to capture an interest rate.

This sort of thing was the height of irresponsibility. At the end of the day, people ended up with these subprime mortgages for homes they, frankly, could not afford, and the day quickly came when this house of cards literally collapsed, and mortgages started being foreclosed across America.

Well, it is not just your neighbor's problem when a house is foreclosed upon. It is your problem too. Even if you are making your mortgage payment, that neighbor's misfortune just affected the value of the home you hold near and dear. That neighbor's inability or failure to pay the mortgage payment is going to affect the value of your home where you just made the mortgage payment and continue to. That is the reality.

The Chicago Sun Times recently reported on the situation of Chris and Marcia Parker. They are in the south suburb of Thornton just outside Chicago. They live in a small brick home that Marcia's father built in the early 1950s. She grew up in the house. The couple moved back home to take care of her elderly mother.

At the time they took out a mortgage to pay for a new roof and a new furnace. They ran a small business, but the business failed, causing them to file for bankruptcy. They both landed new jobs with the same company, but were then laid off at the same time last July because of the recession.

Chris, the husband, found a new job; Marcia has not. Now they are falling behind on their mortgage. They put up for sale the house Marcia's father built. They could not find a buyer. They have now received a foreclosure notice. The foreclosure could happen as early as a week from now. They are trying to reach the lender and work out an arrangement to stay in the home her parents built. Worse, they cannot find a place to rent because their previous bankruptcy, based on the failing small business, they have no idea where they are going to live and whether they will lose their home.

Does this sound like a deadbeat couple to you? It does not to me. It sounds like a couple that has fallen on misfortune, tried their best, tried to get back on their feet, and they keep stumbling and falling again despite their best efforts. This family was not reckless. They were not speculators in the market. We are talking about a house her parents built. They did not buy too much house.

This is a story of a family who has tried to do the right thing and is facing the very real possibility of losing their family home and having nowhere to turn. It is happening over and over again.

In Chicago, there were nearly 20,000 homes last year which entered the foreclosure process. This map tells the story. It looks like this great city of Chicago with the measles. Well, it turns out to be this great city of Chicago with a reflection on the 2008 foreclosure filings.

Get down here around Midway Airport where I travel a lot—I go to O'Hare a lot, too, I might add—and take a look at what is going on in these neighborhoods, in these plots. I took a look at one specific Zip Code right around Midway Airport, and I looked at it visually closely. I could only find five blocks in that Zip Code that did not have at least one home in mortgage foreclosure.

Now, if you traveled to these homes, you might notice them when you are flying in and out of the city. These are neat little brick bungalow homes, not lavish homes, basic two- and three-bedroom homes where folks spend the extra dollars to finish the basement, put in an above-ground pool in the backyard, or try to put something in the attic where the kids can sleep over if they want to. These are basic middle-class family homes, and folks are losing them right and left.

Now, 2 weeks ago I went to Albany Park. That is on the north side of the city of Chicago—again, neighborhood after neighborhood of neat little family homes where people care, where the homes are well taken care of, little garden plots and flowers and decorative efforts by them to make sure their home looks special. Smack dab in the middle of that area was a building, a three-story building that had been, I guess, developed originally as a condo. When they could not sell the condos, they developed it into apartments, and then mortgage foreclosure. That is now boarded up. It has been vandalized by gangs that go in and rip out the copper piping and everything they can get their hands on. The drug gangs hang out there.

I stood around that neighborhood with the neighbors, many of whom were elderly people, folks who have accents because they came to this country and worked hard and now want to retire. They looked at me and said: Senator, what are you going to do about this? This mortgage foreclosure on our block is changing our lives. We put all of our lives in that home, and now this monstrosity of a foreclosure is destroying our property value.

Well, I have been involved in an effort for 2 years to do something about this, 2 straight years. I am still trying. And here is what it is. If you go into bankruptcy, if you have more debts than you have assets, the court right now can take a look at your debts. In some instances, they can try to restructure the debt so you can pay it off.

If you have a vacation home in Florida, the bankruptcy judge can say: Well, rather than foreclose your vacation home in Florida, we think you have enough income coming in that we will work with the lender and try to make the mortgage terms work. If you own a farm, we can work with the lender to make the mortgage terms work. If you own a ranch, same situation. Same thing on that boat, on that car, on that motorcycle; we can do it—with one exception.

Do you know what the exception is? Your private residence. Your personal home. The bankruptcy court is prohibited by law from looking at that mortgage and saving your home. They can save your vacation condo, your ranch, your farm, all of these other things. They cannot save your home.

It makes no sense. If your home means as much to you as it does to my family and most families, you would think that would be a high priority. Who resists this? The banks do and the mortgage bankers do. They have given it this nice, negative name: cram-down. We are going to let the bankruptcy court cram down that mortgage on your home.

Boy, they sure did not use cram-down when it came to vacation homes or farms or ranches, but now they want to stop it. Why? Because many of them do not want to negotiate a new mortgage. It makes no sense.

A bank, when a mortgage goes into foreclosure, will lose at least $50,000 on

that mortgage foreclosure—at least, with legal fees and other expenses. And in 99 percent of the cases in mortgage foreclosure, the house ends up on the inventory of the bank. That banker who sits behind the desk at your local bank now has to worry about who is going to cut the grass, who is going to drive by to make sure the home is not being vandalized, how in the world they are going to sell it.

What we are trying to do is set up a process so these homes facing foreclosure, thousands and thousands of homes in the city of Chicago which I am honored to represent, and millions of people across America have a fighting chance.

Now, I have made concessions. I have worked on compromises over the 2 years. Some of the financial institutions are finally saying: All right, we will talk to you. When I started working on this problem 2 years ago, they predicted as many as 2 million families in America could lose their homes. They predicted 2 million. We were told by the lending industry that those estimates were grossly exaggerated: 2 years ago, 2 million.

Goldman Sachs now estimates as many as 13 million homes could be lost to foreclosure in the next 5 years. That is one out of every four private residences in America lost to foreclosure, a foreclosed home on every block in every city in every State in America, on average. That is the reality and the truth of this crisis.

Last year when I called up this bill, they said: DURBIN, there you go again. You are exaggerating it. It is not going to be that bad. We will take care of the problem. Well, we gave them all of the help to take care of it, the voluntary programs, and at the end of the day, where are we? We are in a desperate position in this country where we have to step up and finally break this cycle of mortgage foreclosures.

Both sides have to give. I have been willing to compromise, some of the banking institutions have been, to make sure people go into the bank before they go into bankruptcy court, to give them a chance to work out the terms of a mortgage they can afford so they can stay in their homes and neighborhoods can be stabilized.

That is why I fully support President Obama's plan to help 3 to 4 million homeowners save their homes by modifying their mortgages to make them more affordable. The plan creates incentives that we need so that banks will finally do what has not been done for 2 years: aggressively modify loans so foreclosures can be avoided. That is in the best interests of homeowners and banks.

But this plan is voluntary. Voluntary plans have successively failed. Every time we have said to the financial institutions: We will leave it up to you, you decide whether you want to do something, nothing is done of any major consequence. If the lenders don't want to participate in the President's plan or previous plans, they don't have to.

The program pays servicers taxpayer money to offer loan modifications that may not be enough. We need to have at the end the possibility—not the probability but the possibility—that the bankruptcy court will have the last word. That is why the administration has included my plan in their proposal. The President supports my change in the Bankruptcy Code to allow mortgages on primary residences to be modified in bankruptcy just as other debts. If banks don't want judges to modify mortgages for them, they will be far more likely to do it themselves. How would it work? Only families living in the home would qualify. This isn't for speculation. This isn't for that extra condo you bought somewhere in hopes that you could turn a buck. It is your primary residence, the one you live in. Only mortgages for which the foreclosure process has started are eligible. No one who can pay their current mortgage can have a judge change those terms. Judges would be limited in how they can modify the mortgages. They could never create a mortgage that would create a worse result for the bank than foreclosure.

If this bill passes, taxpayers don't lose a buck, and we could have a positive result where many people could win. The mortgages that are modified in bankruptcy will provide far more value to lenders and investors than foreclosure.

Best of all, there is no expense to taxpayers.

This is expensive to taxpayers. Why? Because if the home next door to you goes into foreclosure, the value of your home goes down, property tax revenues go down, and the local unit of government loses the revenue it could receive from those property taxes, for starters.

If you can't buy and sell a home in your neighborhood, do you know what that means to the realtor, to the people who build homes, to those who sell carpeting for new homes, right on down the line?

I will return to the floor next week to talk about this bill. I know opponents hate it. I can't persuade some of them no matter what I do, no matter what concessions I make. But I will not give up. For 2 years, we have been fighting to pass a strong housing bill to turn away this tide of foreclosures in Chicago and across America. I hope that on a bipartisan basis we can do that starting very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. What is the business pending before the Senate at the moment?

The PRESIDING OFFICER. The nomination of Elena Kagan to be Solicitor General.

Mr. SPECTER. Mr. President, I came at 2 o'clock, when this nomination was listed for argument, and another Senator was speaking on another subject. We have just heard another Senator speaking on still another subject. Only two Senators have spoken so far in favor of the nomination. I say to my colleagues on both sides of the aisle, if they have anything to say about the nominee, they ought to come to the floor and speak.

The chairman has raised a proposal about voting on the nomination and speaking afterward. Part of our deliberative process is to have Senators speak with the prospect—maybe unrealistic, maybe foolish—of influencing some other votes. We are not going to influence any votes if we speak after the vote is taken. But it may be that we are not going to have speakers. I urge my colleagues to come to the floor. This is Thursday afternoon. In the Senate, that is a code word. It means we are about to leave. There are no votes tomorrow, so there will be some interest in departure not too long from now. I think we ought to conclude at a reasonable time.

In advance, I had been advised that quite a number of people want to speak for quite a long time. We got an allocation of 3 hours for the Republican side. That means 6 hours equally divided. Now it appears that some who had wanted extensive time will now not be asking for that extensive time. We ought to make the determination as soon as we can as to who wants to speak and for how long so that we can figure out when is a reasonable time to have the vote and conclude the debate so Senators may go on their way.

Turning to the subject matter at hand, the nomination of Dean Elena Kagan for Solicitor General of the United States. I begin by noting Dean Kagan's excellent academic and professional record. I call her Dean Kagan because she has been the dean of the Harvard Law School since 2003.

She has excellent academic credentials: summa cum laude from Princeton in 1981, and magna cum laude from the Harvard Law School in 1986, where she was on the Harvard Law Review. She clerked for Circuit Judge Mikva and Supreme Court Justice Marshall and she has had government service.

I ask unanimous consent that her resume be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The office of Solicitor General is a very important office. That is the person who makes arguments to the Supreme Court of the United States on behalf of the United States government. In addition to making arguments, the Court frequently asks the Solicitor General for the Solicitor General's opinion on whether a writ of certiorari should be granted in pending cases. So the Solicitor General is sometimes referred to as the 10th Supreme Court Justice—a pretty important position.

I have gone to substantial length, really great length, to find out about

Dean Kagan's approach to the law and approach to the job of Solicitor General and to get some of her ideas on the law because she is nominated to a critical public policymaking position. I had the so-called courtesy visit with her in my office, which was extensive, as ranking member on the Judiciary Committee. We had an extensive hearing, where I questioned her at some length. Written questions were submitted, and she responded. I was not satisfied with the answers that were given, and when her name came before the committee for a vote, I passed. That means I didn't say yea or nay. I wanted to have her nomination reported to the floor so we could proceed, and I wanted an opportunity to talk to her further. I did so earlier this month. I then wrote her a letter asking more questions and got some more replies. I use the word ''replies'' carefully because I didn't get too many answers as to where she stood on some critical issues.

During the course of the hearing, we discussed extensively some of her very deeply held positions. The question was raised by me, given those positions, would she be able to take a contrary position on some statute that she is obligated to uphold in arguments before the Supreme Court. She said she would. But the question remains, when you feel so strongly—and the record will show what she had to say—whether you can really make a forceful argument as an advocate. Theoretically, you can. Lawyers are not supposed to necessarily believe in their positions; they are supposed to advocate. The clash and clamor of opposing views in our adversarial system is supposed to produce truth. Lawyers advocate more so than state their own positions. But there is a degree of concern when the views are as strongly held as Dean Kagan's have been.

After the long process I have described, I still don't know very much about Dean Kagan. It is frequently hard, in our separation of powers, for the legislative branch to get much information from the executive branch. We look for information, and frequently we are told it is executive privilege. We are told it is part of the deliberative process or we are simply not told anything, with long delays and no responses.

The legislative branch has two critical pressure points. One pressure point is the appropriations process, to withhold appropriations, which, candidly, is not done very often. It is pretty tough to do that. Another point is the confirmation process where nominations are submitted to us to be confirmed, which the Constitution requires. So there the executive branch has no choice. They can't talk about executive privilege or deliberative process or anything else. But there is a question as to how thorough nominees answers to questions should be.

In discussing what answers we can reasonably expect from Dean Kagan, the issue of the questioning of judicial nominees is implicated to the extent that the tides have shifted as to how many questions Supreme Court nominees are asked. Not too long ago, there weren't even hearings for Supreme Court nominees. Then the generalized view was that nominations were a question of academic and professional qualifications. Then the view was to find out a little bit about the philosophy or ideology of a nominee but not to tread close to asking how specific cases would be decided. The President is customarily afforded great latitude with nominations. Then Senators look for qualifications, with the generalized view that they don't want to substitute their own philosophy or own approach to the law for the discretion of the President. Some Senators do. There is no rule on it. We may be in a period of transition where some have said the Senate ought to do more by way of utilizing Senators' own philosophical positions in evaluating the President's nominees, that we have as much standing on that front as the President. That is an open question, but I don't propose to suggest the answer to it today or to take a position on it. But it bears on how far we can go in asking Dean Kagan questions.

I don't know very much more about her now than I did when we started the process. From the many questions that I asked her on cases, I have picked out a few to illustrate the problem I am having with figuring out where she stands and the problem I am having with her confirmation. One case of substance and notoriety is a case involving insurance for Holocaust survivors.

The Southern District of New York Federal court held that plaintiffs' monetary claims were preempted by executive policy. The Second Circuit wrote to the Secretary of State and asked for the administration's position on the adjudication of these suits with respect to U.S. foreign policy.

Dean Kagan was asked the question of what was her view on this case. This was a pretty highly publicized case, and it is pretty hard to see how an insurance company ought to be preempted or protected by foreign policy considerations. Well, Dean Kagan didn't tell us very much in her answer. The answer takes up two-thirds of a page, and most of it is about the consultative process, which I am, frankly, not much interested in. I want to know what she thinks about the policy.

She said:

> At the end of this process, the decision of the Solicitor General on seeking certiorari is likely to reflect in large measure the views of the State Department as to the magnitude of the foreign policy interests involved.

It does not say very much. I want to know what foreign policy interests she is concerned about.

Another case involving the terrorist attacks captioned ''In re Terrorist Attacks on September 11, 2001'' where people who were victimized on that day sought damages from Saudi Arabia, Saudi princes, and a banker, who were alleged to have funded Muslim charities that had provided material support for al-Qaida. The Southern District of New York Federal Court dismissed the plaintiffs' claims on the grounds that the defendants were immune from suit. The Second Circuit affirmed, and the Supreme Court then asked the Solicitor General's Office for its recommendation as to whether to grant the petition for certiorari. There, you have the ''tenth'' Supreme Court Justice, the Solicitor General, coming into the picture.

Well, when I questioned Dean Kagan on this case, her response was: ''I am unfamiliar with this case. . . . A critically important part of this process would be to'' work with the clients, the Department of State, and the Department of Justice. And the ''inquiry would involve exploration of the purposes, scope, and effect of the Foreign Sovereign Immunities Act, as well as consideration of the role private suits might play in combating terrorism and providing support to its victims.''

Well, we do not know very much about her views from that answer. There has been a lot of information in the public domain that Saudi charities were involved. Fifteen of the nineteen hijackers were from Saudi Arabia. People were murdered. There are claims pending in court. The question is whether the Supreme Court is going to take the case. Well, I wish to know what the nominee for the position of Solicitor General thinks about it.

I had calls from people in high positions—I do not want to identify them—saying: Well, don't ask those kinds of questions. Somebody in the executive branch. Well, I am not prepared to relinquish the institutional prerogatives of the Senate to ask questions. The executive branch nominees want confirmation. Well, Senators want information to base their opinions on.

In the case of Republic of Iraq v. Beaty, the question was whether Iraq was amenable to suit under the exception to the foreign sovereign immunity clause. American citizens were taken hostage by Saddam Hussein in the aftermath of the first gulf war. They got more than $10 million in damages. The question, then, is, what would the Solicitor General do? The case is now pending before the Supreme Court. Dean Kagan gives an elongated answer saying very little, virtually nothing:

> I have no knowledge of the case and cannot make an evaluation of its merits, even if this evaluation were appropriate (which I do not believe it would be) while the case is pending before the Court with a brief from the Solicitor General supporting reversal.

Well, Dean Kagan has a point as to how much knowledge she has of the case. But when she says that an evaluation is not appropriate while a brief is pending from the Solicitor General supporting reversal—she is not the Solicitor General. She has not submitted the brief. She is not a party to the action. She is a nominee. She wants to be

confirmed. I wish to know how she would weigh this issue.

Americans taken hostage by Saddam Hussein, and the verdict of $10 million—why not have a judicial determination in a matter of this sort? How much do we defer to foreign governments who have murdered and abused and kidnapped American citizens? I think those are fair questions.

I will discuss one more question because I see my colleague Senator SESSIONS is on the floor.

That is the Kelo case, Kelo v. London, a very famous, widely publicized case on eminent domain. Well, does Dean Kagan have the record in the case? Has she gone through it line by line? No, that has not happened. But the case is pretty well known. It is pretty hard to say you do not know much about that. This is what she said in response to my question regarding the case:

> I have never written about the Takings Clause; nor have I taught the subject. . . .

Well, if that is relevant—I do not know if we would confirm very many people to the Department of Justice Attorney General position or Solicitor General position or to other positions if you had to have written about it or if you had to have taught a class on the subject. Here again, we know very little as to what she thinks about an issue.

In essence, it is difficult to cast a negative vote on someone with the qualifications and background of Dean Kagan, but we have a major problem of institutional standing to find out from a nominee what the nominee thinks on important questions.

The nominee disagrees with what I have said. I have talked to her about it. She thinks she can be an advocate for issues even though she feels very strongly the other way. She feels she does not have to answer questions because it would be inappropriate because the case is pending and the Solicitor General has rendered an opinion. Well, I disagree with that. I have no illusion the issues I have raised will prevail. I think it is pretty plain that Dean Kagan will be confirmed. But I do not articulate this as a protest vote or as a protest position, but one of institutional prerogatives. We ought to know more about these nominees. We ought to take the confirmation process very seriously. I believe the scarcity and paucity of Senators who have come to the floor to debate this nomination does not, candidly, speak too well for this institution. We are all waiting to vote to go home. But this is an important position. For a Supreme Court Justice nominee, television cameras would be present during the hearings, and everybody would be there, and everybody would be on camera.

Well, I think we have to pay a little more attention, and I have gone to some length to try to find out more about Dean Kagan. In the absence of being able to do so and to have a judgment on her qualifications, I am constrained to vote no.

Before I yield the floor, Mr. President, again, I ask my colleagues to come to the floor if they are going to have something to say. I would hope we could wind up our activities. We could go until 8 o'clock. I do not think we ought to do that. My view is, we ought to vote no later than 5. But I am not the leader. That is just my view. But I do think people ought to come if they want to speak. Or maybe we will vote at 5 o'clock, and people can speak afterwards. I do not know how it will work out. But I think it would be very healthy if people spoke before the vote on the assumption that we have debate to try to influence other Senators because we are the world's greatest deliberative body, so it says in all the texts.

I yield the floor.

EXHIBIT 1

ELENA KAGAN

SOLICITOR GENERAL OF THE UNITED STATES

Birth: 1960; New York, New York.

Legal Residence: Cambridge, Massachusetts.

Education: B.A., summa cum laude, Princeton University, 1981; Daniel M. Sachs Graduating Fellow, Princeton University; M.Phil., Worchester College, Oxford, 1983; J.D., magna cum laude, Harvard Law School, 1986; Supervising Editor, Harvard Law Review.

Employment: Judicial Clerk, Judge Abner Mikva, U.S. Court of Appeals for the D.C. Circuit, 1986–1987; Judicial Clerk, Justice Thurgood Marshall, U.S. Supreme Court, 1987–1988; Staff Member, Dukakis for President Campaign, 1988; Associate, Williams & Connolly LLP, 1989–1991; Assistant Professor, University of Chicago Law School, 1991–1994; Tenured Professor, 1995–1997; Special Counsel, Senate Judiciary Committee, 1993 (summer); Associate. Counsel to the President, Executive Office of the President, 1995–1996; Deputy Assistant to the President for Domestic Policy, 1997–1999; Visiting Professor, Harvard Law School, 1999–2001; Professor of Law, 2001–Present; Dean, 2003–Present.

Selected Activities and Honors: Public Member, Administrative Conference of the United States, 1994–1995; Litigation Committee Member, American Association of University Professors, 2002–2003; Recipient, 2003 Annual Scholarship Award of the American Bar Association's Section of Administrative Law and Regulatory Practice, 2003; Board of Trustees, Skadden Fellowship Foundation, 2003–Present; Board of Directors, American Law Deans Association, 2004-Present; Research Advisory Council, Goldman Sachs Global Markets Institute, 2005–2008; Honorary Fellow, Worcester College, Oxford University, 2005–Present; Board of Advisors, National Constitution Center's Peter Jennings Project for Journalists and the Constitution, 2006–Present; Member, New York State Commission on Higher Education, 2007–2008; John R. Kramer Outstanding Law School Dean Award, Equal Justice Works, 2008; Recipient, Arabella Babb Mansfield Award, National Association of Women Lawyers, 2008; Board of Directors, Equal Justice Works, 2008–Present.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I begin by thanking the Senator from Alabama for his courtesy. I appreciate him allowing me to go before him to speak.

I rise today in support of the nomination of Elena Kagan to be Solicitor General of the United States. As we saw from her confirmation hearing in the Judiciary Committee more than a month ago, Elena Kagan has the piercing intellect, superb judgment, and wealth of experience necessary to be an outstanding Solicitor General.

Dean Kagan's academic credentials could not be any more impressive. After graduating summa cum laude and Phi Beta Kappa from Princeton University, she attended the Harvard Law School, served as supervising editor of the Harvard Law Review, and graduated magna cum laude. After law school, she clerked first for Abner Mikva of the District of Columbia Circuit, and then Thurgood Marshall on the U.S. Supreme Court.

That auspicious start to Dean Kagan's legal career was followed by private practice at one of America's leading law firms, and then service in the Office of the Counsel to the President. She has also been a policy adviser to the President, and a legal scholar of the first rank at both the University of Chicago and Harvard.

As others have pointed out, her research and writing in the areas of administrative and constitutional law make her a leading expert on many of the most important issues that come before the Supreme Court.

If that level of experience were not enough, she has spent the last 5 years as the extraordinarily successful dean of the Harvard Law School, which by all accounts is not an easy place to govern.

I note that several of that school's most conservative scholars have voiced their support for this nomination. They praise her vision and judgment, her incredible work habits, and her extraordinary management skills. Just as important, they point to her ability to bridge disagreement, by listening to all sides of an argument, engaging honestly with everyone concerned, and making decisions openly and with good reasons.

No one disputes that Dean Kagan has served Harvard incredibly well. She will do the same for the Office of Solicitor General. Her accomplishments as a scholar and teacher are unmatched. Her skill as a leader and manager are beyond dispute.

In fact, she has the support of every single Solicitor General who has served since 1985, including all three who worked in the previous administration. As they wrote to the Judiciary Committee:

> We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court.

On a personal note, I want to add that earlier in her career, Dean Kagan spent some time working as an adviser to then-Senator BIDEN. I had the good fortune to get to know her in that context. Based on that experience, and everything I have seen since, I am absolutely convinced not only that she possesses enormous intellect and consummate skill, but also that she is a person

of the highest character and unquestioned integrity.

In short, this is an outstanding nominee, and an outstanding nomination.

On March 5, after thorough consideration, a bipartisan majority of the Judiciary Committee—13 to 3—voted to report Dean Kagan's nomination. I urge my colleagues to confirm her without delay, so she can begin the critical task of representing the United States in the Supreme Court.

Mr. President, I yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share my thoughts about the nomination of Elena Kagan to be Solicitor General.

I have strong concerns about her nomination and will not support her nomination. I do believe the President, like all Presidents, should be entitled to a reasonable degree of deference in selecting executive branch nominees. But for some of the reasons I will set out, and one in particular, I am not able to support this nomination and will not support it.

I believe her record shows a lack of judgment and experience to serve as the Nation's chief legal advocate—a position many have referred to as the Supreme Court's ''tenth Justice.'' It is also a position that has been called the best lawyer job in the world.

Well, so far as I can observe, other than time in the White House Counsel's Office, Dean Kagan has only practiced law for 2 years in a real law firm practicing law. She had very limited experience in the things you would look for in a person of this nature.

But let me discuss one defining moment in her career that I was sort of indirectly involved in because of legislation that was percolating in the Congress, in the Senate and in the House, and it means a lot to me.

During her tenure as dean, Ms. Kagan barred the U.S. military from coming on the Harvard Law School campus to recruit young law graduates to be JAG officers in the U.S. military. That was from November of 2004 through September of 2005. She barred them from coming and recruiting on campus while 150,000 of our finest men and women in this country were serving in combat in Iraq and Afghanistan and during a time in which 938 troops died in combat, preserving the rights of people like law deans, faculty, and students to have all the opinions they want. Her decision to bar the military from her campus during a time of armed conflict represents exceedingly poor judgment and leadership, particularly for someone who wants to lead the Department of Justice, the executive branch, and support the military of the United States.

By refusing to allow military recruiters on the Harvard Law School campus, she placed her own opposition to military policies above the need of our military men and women to receive good legal advice, even from Harvard lawyers. And she did so at a time when the military, serving in conflicts in two foreign countries, was facing a host of complex legal issues. We are still fighting over them, for that matter. Maybe it would have helped if we had some of those graduates participating in them.

I don't believe she ever had a basis to have barred the military from her school's campus, and I believe she should have had the judgment to realize the signal and the impact that was being sent to our military and to the students who want to support and serve in the military. Indeed, President Obama should have realized the signal he was sending by nominating her to this position.

Flagg Youngblood wrote an op-ed in the Washington Times on January 30 and this is what that op-ed stated. I will quote from that article. I think it makes a point. This is a military person:

> Since the Solicitor General serves as the advocate for the interests of the American people to the Supreme Court, we're expected to believe Kagan is the best choice? Her nomination smacks of special interest, aimed at protecting the Ivy League's out-of-touch elitism at the expense of students, taxpayers, and our military alike.
>
> And what about the qualified students who desire to serve our country?

In the military, he is referring to.

> Second-class, back-of-the-bus treatment, that's what they get, typically having to make time-consuming commutes to other schools and, much worse, the ill-deserved disdain of faculty and peers on their own campuses.
>
> The military, nobly and selflessly, stands alert at freedom's edge, ready to defend our Nation in times of crisis, and should therefore be honored, and, as most Americans would argue, given preferential treatment, for guarding the liberties that academics such as Kagan profess to protect.
>
> That's precisely why Congress intervened more than a decade ago, at the behest of a large majority of Americans who recognize and appreciate what our military does, to fulfill the Constitution's call for a common defense among the few, enumerated Federal powers. And, to stop financing those who undermine that fundamental duty. Yet, left-wing views like Kagan's still disparage the sacrifices our military makes and cause real, quantifiable harm to students and to our Nation at taxpayer expense.

Well, Mr. Youngblood's editorial—he felt deeply about that—deserves, I think, extra force and credibility because he was affected by similar policies when he tried to participate in ROTC while attending Yale University during the 1990s. Due to Yale's exclusion of the ROTC from campus, Mr. Youngblood was forced to travel because he wanted to serve his country, 70 miles to commute to the University of Connecticut to attend the military ROTC classes. His ordeal—and many like it—led to the passage of the Solomon amendment, which is the Federal law that requires colleges to allow military recruiters on campus in order to be eligible for Federal funds.

Well, let me say, that amendment didn't order any university to admit anybody or to allow anybody to come on campus; it simply says when you get a bunch of money from the Federal Government, you at least need to let the military come and recruit students if they would like to join the U.S. military and not exclude them.

So the Solomon amendment is critically important here because it shows that Ms. Kagan's decision to block the military from Harvard Law School's campus was not just wrong as a matter of public and military policy. It was also clearly wrong as a matter of law. While dean at Harvard, Ms. Kagan was a vocal critic of the Solomon amendment. She called the law immoral. She wrote a series of e-mails to the Harvard Law School community complaining about the Solomon amendment and its requirement—horrors—that federally funded universities, if they continue to get Federal money, ought to allow military recruiters on campus or lose the Federal money. She thought that was horrible.

I should note that Harvard receives hundreds of millions of dollars in Federal funding: $473 million in 2003, $511 million in 2004, and $517 million in 2005. That is a lot of money. The Federal highway budget that goes to the State of Alabama is about $500 million a year. Harvard University gets that much. By opposing the Solomon amendment, Ms. Kagan wanted Harvard to be able to receive these large amounts of taxpayers' dollars without honoring Congress's and President Clinton's judgment that military recruiters were eligible to come on campus. Under the Solomon amendment, Harvard has always had the option of declining Federal funds and relying on its big endowment—$34 billion—and their tuition to fund the university. Much smaller institutions, such as Hillsdale College, have chosen to decline Federal funds to carry out their full academic independence. Harvard and Dean Kagan were not willing to do so. They wanted both. They wanted money and the right to kick out the military.

I think she showed her legal judgment regarding the Solomon amendment in 2005 when she joined in an amicus brief of Harvard Law School professors to the U.S. Supreme Court in Rumsfeld v. FAIR, opposing the Solomon Amendment's application to Harvard Law School. Unlike the chief litigant—the formal appeal group—in the case, which raised a straightforward first amendment challenge to the Solomon amendment, the brief Ms. Kagan joined with other Harvard Law School professors made a novel argument of statutory interpretation that was too clever for the Supreme Court.

Her brief argued that Harvard Law School did not run afoul of the letter of the Solomon amendment because Harvard law school did not have a policy of expressly barring the military from campus. Harvard, she argued, barred recruiters who discriminate from campus. Her brief reasoned that the Solomon amendment shouldn't apply

where the military wasn't singled out, but just ran afoul of a school's nondiscrimination policy.

Ms. Kagan's argument was considered by the U.S. Supreme Court and the U.S. Supreme Court upheld the Solomon amendment. In specifically addressing Ms. Kagan's amicus brief with the Harvard professors, Chief Justice Roberts, writing for the Court, dismissed Ms. Kagan's novel statutory interpretation theory using these words:

> That is rather clearly not what Congress had in mind in codifying the DOD policy. We refuse to interpret the Solomon amendment in a way that negates its recent revision, and indeed would render it a largely meaningless exercise.

It is telling also to note that the brief she signed on to was unable to convince a single Justice of the Supreme Court to go along with it—not even Justice Ruth Bader Ginsberg who was once general counsel to the American Civil Liberties Union.

Let me mention one more thing people have mentioned about the Kagan decision to bar the military from recruiting on the Harvard campus. Some may have heard that the decision to bar the military was merely honoring a ruling of the Third Circuit, which briefly ruled against the Solomon amendment on a split decision in Rumsfeld v. FAIR. It is critical to note that the Third Circuit's ruling never went into effect because the case was appealed to the U.S. Supreme Court and the Third Circuit stayed enforcement of its decision. In other words, the Third Circuit said: Yes, we have rendered it. We understand our opinion is under appeal. We are not going to issue a mandate or an injunction that our opinion has to be followed. We will allow this case to be decided ultimately by the Supreme Court of the United States.

No injunction was ever entered against enforcement of the Solomon amendment. Any decision by any dean to reject the Solomon amendment and not enforce it was not required by law. The law stayed in effect. In fact, Dean Kagan acknowledged that in an e-mail to the Harvard Law School community in 2005. There was a lot of controversy about this at Harvard. A lot of people weren't happy about it, you can be sure. She admitted in that e-mail that she had barred the military from campus, even though no injunction was in place, saying:

> Although the Supreme Court's action meant that no injunction applied against the Department of Defense, I reinstated the application of our anti-discrimination policy to the military . . . ; as a result, the military did not receive assistance during our spring 2005 recruiting season.

So it is clear that the barring of the military took place while the Solomon amendment was, in effect, the law of the land. Her e-mail indicates she understood that at the time. As a result, students who wanted to consider a military career were not allowed to meet with the recruiters on campus. The military was even forced to threaten Harvard University's Federal funding in order to get the military readmitted to campus as time went on. This was all a big deal. The Congress was talking about it. We had debate on it right here on the floor and in the Judiciary Committee, of which I am a member.

I think a nominee to be the Department of Justice's chief advocate before the Supreme Court, to hold the greatest lawyer job in the world, should have a record of following the law and not flouting it. The nominee should, if anything, be a defender of the U.S. military and not one who condemns them. Ms. Kagan's personal political views, I think, are what led to this criticism of the military, this blocking of the military. She opposed a plain congressional act that was put into place after we went through years of discussion and pleading with some of these universities that were barring the military. They had refused to give in, so we passed a law that said, OK, you don't have to admit the military, but we don't have to give you money, and we are not giving you any if you don't admit them. They didn't like that. So Ms. Kagan's refusal of on-campus military recruiters went against a congressional act. Her actions were an affront to our men and women then in combat and now in combat. The Solicitor General should be a person who is anxious and eager and willing to defend these kinds of statutes and to defend our military's full freedom and right to be admitted to any university, even if some university doesn't agree with the constitutional and lawfully established policies of the Department of Defense.

I would also raise another matter, and I think this is important. If there was some other significant showing, I think, of competence or claim on this position, I would be more willing to consider it. If she were among the most proven practitioners of legal skill before Federal appellate courts or had great experience in these particular positions, maybe I could overcome them. Maybe if she had lots of other cases in her career that could show she had shown wisdom in other areas, but that is not the case. She has zero appellate experience. Dean Kagan has never argued a case before the U.S. Supreme Court, which isn't unusual for most American lawyers, but for somebody who wants to be the Solicitor General whose job it is to argue before the Supreme Court, it is not normal. But for that matter, she has never argued any appellate case before any State supreme court.

In fact, she has never argued a case on appeal before any appellate court, whether Federal, State, local, tribal or military. That is a real lack of experience. When asked about this lack of experience at our hearing, Ms. Kagan tried to compare her record to other nominees saying this:

> And I should say, Senator, that I will, by no means, be the first Solicitor General who has not had extensive or, indeed, any Supreme Court argument experience. So I'll just give you a few names:
>
> Robert Bork, Ken Starr, Charles Fried, Wade McCree. None of those people had appeared before the courts prior to becoming solicitor general.

Well, Ms. Kagan's record hardly compares to the names she cited in her own defense.

Regarding Charles Fried, Ms. Kagan was wrong in stating that he never argued to the Supreme Court. Although Professor Fried did not have much in the way of litigation experience before being nominated, he had argued to the Supreme Court while serving as Deputy Solicitor General in Rex Lee's Solicitor General's Office. Accordingly, Mr. Fried had two things Ms. Kagan lacks—Supreme Court experience and experience within the Solicitor General's Office.

Ms. Kagan also compared herself to Ken Starr and Wade McCree, both of whom had a wealth of appellate experience that she lacks. Prior to his nomination to be Solicitor General, Ken Starr served as a U.S. Court of Appeals judge in the District of Columbia—an appellate court—from 1983 to 1989, a court before which the best lawyers in the country appear and argue cases. He had to control and direct their argument, and as a result he got to see and have tremendous experience in that regard as an appellate judge. Wade McCree had even more experience before his nomination. Mr. McCree served as a U.S. Court of Appeals judge in the Sixth Circuit, from 1966 to 1977, 11 years.

Robert Bork also had a strong litigation background before his nomination. He was one of the most recognized, accomplished antitrust lawyers in private practice in the country.

We should not forget the critically important role the Solicitor General plays in our legal system. As Clinton-era Solicitor General Drew Days wrote in the Kentucky Law Journal, ''the Solicitor General has the power to decide whether to defend the constitutionality of the acts of Congress or even to affirmatively challenge them.'' That is quite a power—the power to defend statutes in the Supreme Court, or even challenge them in the Supreme Court.

This is a very critical job within our Government. I think it deserves a more experienced lawyer, one with a record that shows more balance and good judgment. I think Ms. Kagan's lack of experience is an additional reason I am uncomfortable with the nomination. I think nominees have to be careful about expressing opinions on matters that might come before them in the future. But for a nonjudicial position, and concerning issues which were commented on today, Senator SPECTER believes she has been less than forthcoming. Had she been more forthcoming, I might have been a little more comfortable with the nominee. Her failure to be responsive to many questions, I think, causes me further concern.

To paraphrase a well-known statement of then-Senator BIDEN—now our

Vice President—the job of the Solicitor General does not lend itself to on-the-job training. One time, Rudy Giuliani was arguing about who should be his replacement as U.S. Attorney in Manhattan, and they were discussing people with very little experience. He said: I think it would be nice if they were able to contribute to the discussion every now and then.

I think it is good to have some experience. So I don't see a sense of history here to overcome what I consider to be bad judgment on a very important matter. I supported the nomination of Eric Holder. I like him and I hope he will be a good Attorney General; I think he will. I intend to support most of the other nominees to the Department of Justice. I certainly hope to. But I am not able to support Elena Kagan's nomination in view of her positions concerning the ability of the U.S. military to come on the campus of Harvard and actually recruit the young men and women who might wish to join the military. I think that was wrong. I also believe she has a very significant lack of relevant experience for the position.

I yield the floor.

Mr. INHOFE. I oppose the nomination of Elena Kagan for Solicitor General of the United States. I previously spoke against her on the floor and talked about the reason I was opposed to her as well as David Ogden for his representation of the pornography industry. It is kind of hard for me to understand how someone who is the No. 2 position in the Justice Department has a history of representing the pornography industry. Then, of course, the nominations of Dawn Johnson and Thomas Perrelli I am opposed to because of their strong pro-abortion positions.

But as far as Elena Kagan, it is important for those who are going to vote in favor of her to know some of the things that have happened in her background. Because of its great importance, the office of Solicitor General is often referred to as the 10th Supreme Court Justice.

When serving as a dean of Harvard Law School, she demonstrated poor judgment on a very important issue to me. Ms. Kagan banned the U.S. military from recruiting on campus. She and other law school officials sued to overturn the Solomon amendment. The Solomon amendment originated in the House. Congressman Jerry Solomon had an amendment that said no university could preclude the military from trying to recruit on campus. This was a direct violation of the amendment. She actually was claiming that the Solomon amendment was immoral. She filed an amicus brief with the Supreme Court opposing the amendment. The Court unanimously ruled against her position and affirmed that the Solomon amendment was constitutional.

The Department of Justice needs people who adhere to the law and not to their ideology. While certainly I oppose many of the positions taken by these nominees, I am even more concerned that their records of being ideologically driven will weaken the integrity and neutrality of the Department of Justice.

I oppose the nomination of Elena Kagan.

Mr. HATCH. Mr. President, today I will vote to confirm the nomination of Elena Kagan to be the next Solicitor General of the United States. Because the Constitution gives the appointment power to the President, not to the Senate, I believe the President is owed some deference so long as his nominees are qualified. This standard applies particularly to his executive branch appointments. I will vote for the nomination before us because I believe this standard is satisfied.

Dean Kagan would not be the first Solicitor General to have come from legal academia. Walter Dellinger came to the Clinton administration from Duke, Rex Lee served in the Reagan administration after founding Brigham Young University School of Law.

Nor would Dean Kagan be the first Solicitor general to have come to the post from Harvard. Archibald Cox came from the Harvard law faculty to serve as Solicitor General in the Kennedy administration. Erin Griswold became Solicitor General in 1967 after a dozen years as a Harvard law professor and another 19 as dean. Charles Fried, who taught at Harvard for nearly a quarter century before becoming Solicitor General in 1985, went back to teaching and is now a colleague of Dean Kagan. I was pleased to see him at her confirmation hearing.

I would note two other things about Dean Kagan's qualifications. First, she has no experience arguing before any court. I have long believed that prior judicial experience is not a prerequisite for successful judicial service. Justice Felix Frankfurter taught at Harvard Law School from 1921 until President Franklin D. Roosevelt appointed him to the Supreme Court in 1939. During that time, by the way, he turned down the opportunity to become Solicitor General. But Justice Frankfurter famously wrote in 1957 that the correlation between prior judicial experience and fitness for the Supreme Court is, as he put it, ''precisely zero.''

But courtroom argument, especially appellate advocacy, is a more specific skill that is related more directly to the Solicitor General's job. As such, Dean Kagan's complete lack of such experience is more significant. Which leads me to the second point that, despite her lack of courtroom experience, every living former Solicitor General has endorsed her nomination. They know better than anyone what it takes to succeed in the post and believe she has what it takes.

Speaking of endorsements, Dean Kagan is also supported by a number of lawyers and former government officials who are well known in conservative legal circles. These include Peter Keisler, who served as Assistant Attorney General and Acting Attorney General under President George W. Bush; Miguel Estrada, prominent Supreme Court practitioner and a former nominee to the U.S. Court of Appeals; Jack Goldsmith, who headed the Justice Department's Office of Legal Counsel under the previous President; and Paul Cappuccio, who served in the Justice Department during the first Bush administration and is now general counsel at TimeWarner.

A few other issues have given me pause during the confirmation process. When Dean Kagan served as a law clerk for Justice Thurgood Marshall, she wrote a memo in a case challenging the constitutionality of the Adolescent Family Life Act. That statute provided funds for demonstration projects aimed at reducing teen pregnancy. Dean Kagan objected to including religious groups in such projects, insisting that ''[i]t would be difficult for any religious organization to participate in such projects without injecting some kind of religious teaching.'' She actually argued for excluding all religious organizations from programs or projects that are, in her view, ''so close to the central concerns of religion.'' This is a narrow-minded, I think even ignorant, view of religious groups and her recommendation of discrimination against them comes close, it seems to me, to raising a different kind of constitutional problem. Thankfully, the Supreme Court did not follow her suggestion and instead upheld the statute. When asked about it at her hearing in February, Dean Kagan said that, looking back, she now considers that to be, as she put it, ''the dumbest thing I ever heard.'' With all due respect, I agree.

Dean Kagan took a very strong, very public stand against the so-called Solomon Amendment, which withholds federal funds from schools that deny access to military recruiters. Harvard denied such access in protest of the military's exclusion of openly gay servicemembers. Dena Kagan chose to allow access only under the threat of the entire university losing federal money. But she condemned in the exclusion policy in the strongest terms, calling it repugnant and ''a profound wrong—a moral injustice of the first order.'' In her personal capacity, she joined other law professors on a friend of the court brief in the lawsuit challenging the policy. In 2006, the Supreme Court upheld the Solomon Amendment, specifically rejecting the position Dean Kagan had taken, saying: ''We refuse to interpret the Solomon Amendment in a way that . . . would render it a largely meaningless exercise.'' Dean Kagan is entitled to take that or any other position on that or any other issue she chooses. But it raises the question whether she would be able, as the Solicitor General must, to put aside even such strongly held personal views and vigorously defend only the legal interests of the United States. She assured the Judiciary Committee that she could do that, even

saying that she would have defended this very statute, the Solomon amendment, in the way that Solicitor General Paul Clement did. I note that Paul Clement is one of the former Solicitors General endorsing Dean Kagan's nomination.

When Dean Kagan's nomination came up for a vote in the Judiciary Committee, I joined the ranking member, Senator SPECTER, in passing because of concerns that she had been insufficiently forthcoming in answering questions during her hearing and written questions afterward. I applaud Senator SPECTER for pursuing this, for meeting with Dean Kagan again, and for pushing her for more information and more thorough answers. She has provided some additional insight into her views, though I respect the fact that her additional effort will not satisfy everyone.

All in all, I have concluded that I can support Dean Kagan's nomination. She is qualified to serve as Solicitor General and I have not seen enough to overcome the basic deference that I believe I must give the President. As such, I will vote to confirm her.

Mr. KYL. The nomination of Elena Kagan to be Solicitor General of the United States is not without controversy. She has a stellar academic record which has been discussed. Following law school, Ms. Kagan served as a judicial clerk for Judge Abner Mikva on the U.S. Court of Appeals and for Supreme Court Justice Thurgood Marshall. After her clerkships, Ms. Kagan joined the DC law firm Williams and Connolly.

Ms. Kagan left private practice to join the faculty of the University of Chicago Law School. In 1995, Ms. Kagan began her service in the Clinton administration as associate counsel to the President and later as deputy assistant to the President for Domestic Policy. In 1999, she left the White House and returned to legal academia, joining the faculty at Harvard Law School. In 2003, Ms. Kagan was named Dean of Harvard Law School, a role in which she was charged with overseeing every aspect of the institution, academic and nonacademic alike.

She is well regarded by those who have followed her career.

I am particularly troubled, however, by two matters. First, Dean Kagan's nomination has rightfully received criticism because of her stance on the Solomon amendment. Dean Kagan joined two briefs concerning the legality of the Solomon amendment, one on an amicus brief to the Third Circuit in support of the appellants, FAIR, in the case FAIR v. Rumsfeld, and the other an amicus brief in support of FAIR when the case reached the Supreme Court. By a vote of 9 to 0, the Supreme Court upheld the Solomon Amendment and rejected the argument presented in the brief that Dean Kagan signed. See *Rumsfeld* v. *FAIR*, 547 U.S. 47, 55–57, 2006. Also, I would like to make one comment about Dean Kagan's actions as dean in this case. As Senator SESSIONS pointed out earlier today, because the case was appealed to the Supreme Court, the Third Circuit stayed enforcement of its decision. Therefore, the Solomon amendment stayed in effect. Dean Kagan acknowledged this in a September 20, 2005, email to the Harvard Law School community, where she admitted that she had barred the military from campus even though no injunction was in place: ''Although the Supreme Court's action [granting review] meant that no injunction applied against the Department of Defense, I reinstated the application of our anti-discrimination policy to the military . . . . as a result, the military did not receive [Office of Career Services] assistance during our spring 2005 recruiting season.'' Thus, Ms. Kagan barred the military from recruiting on campus even though the Solomon amendment remained the law of the land.

Second, I am troubled by Dean Kagan's lack of appellate experience. She has not argued even a single case before the Supreme Court or before any federal or state appellate court. I am quite concerned about her complete lack of appellate advocacy. I am, nevertheless, willing to give her the benefit of the doubt, primarily because of the views of seasoned advocates who know her well and who know the Court well.

All three Solicitors General appointed by President Bush—Ted Olson, Paul Clement, and Greg Garre—signed a letter, January 27, 2009, stating that they ''are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court.'' They added, ''[h]er brilliant intellect will be respected by the Justices, and her directness, candor and frank analysis will make her an especially effective advocate.''

Additionally, among her other supporters are two highly respected conservative lawyers who have known Dean Kagan since the beginning of her legal career. The first is Peter Keisler, who served as Acting Attorney General under President Bush and held a number of other top positions in the Bush Justice Department. He clerked on the U.S. Supreme Court with Elena Kagan, and wrote the following in support of her nomination, January 30, 2009: ''[her] combination of strong intellectual capabilities, thoughtful judgment, and her way of dealing respectfully with everybody . . . are . . . among the many reasons she will be a superb Solicitor General, and will represent the government so well before the Court.''

Second, Miguel Estrada has known Elena Kagan since law school. He wrote in support of her nomination, January 23, 2009: ''Having worked as an attorney in the Solicitor General's Office under Solicitors General of both parties, I am also confident that Elena possesses every talent needed to equal the very best among her predecessors.''

I expect a Solicitor General nominated by a President of a different political party to hold views that diverge from my own; but I also expect that nominee to be qualified for the position, able to faithfully execute the responsibilities of the office, and be forthright and honest with members of Congress. She has assured us that her ideology will not interfere with her decisions as Solicitor General. I will closely follow Dean Kagan's tenure as Solicitor General. I will hold her to her commitments.

I would like to make clear that my vote for Dean Kagan is only for the position of Solicitor General, and my vote does not indicate how I would vote for her if she were nominated for any other position, especially a position that is a lifetime appointment. Specifically, according to numerous news accounts, Dean Kagan is expected to be considered for nomination to the Supreme Court if an opening were to occur during the Obama administration. If she were nominated, her performance as Solicitor General would be critical in my evaluation of her suitability for the Supreme Court. My decision whether to support or oppose her would be strongly influenced by the decisions made by her as Solicitor General, such as the cases for which she does and does not seek review, the positions she argues, and the bases for her arguments. If she approaches her job as Solicitor General ideologically or argues inappropriate positions, I will not hesitate to oppose her nomination.

Mr. WHITEHOUSE. Mr. President, I wish to urge my colleagues to support the nomination of Elena Kagan to be the Solicitor General. In doing so, I will make four brief points.

First, Dean Kagan is extraordinarily qualified as a lawyer with a profound understanding of the issues that dominate the Supreme Court's docket. She has received enormous praise for her leadership of Harvard Law School as dean, in which position she reinvigorated one of the premier legal institutions in our country. And of course Dean Kagan is a scholar of the highest order on questions of administrative and constitutional law. She clearly has the intellectual background and sharp intelligence necessary to represent the interests of the United States with the utmost skill and clarity. She testified in her hearing and in numerous followup questions that she will put the interests of the United States ahead of any of her own beliefs and defend congressional statutes with the vigor and force we expect of the office. She has worked in private practice, as a clerk to the Supreme Court, and as a counsel in the White House. I applaud her willingness to return to Government service. Now, some critics have pointed out that she has not argued before the Supreme Court before. As an attorney who has argued before that Court, I can attest that appearing before the Court indeed is a daunting experience. But Solicitors General Ken Starr, Charles Fried, Robert Bork, and Wade McCree similarly had not argued before the

Court. This fact leaves me with no doubt that Dean Kagan will meet the highest expectations of her and that she will excel as Solicitor General.

Second, I would point out that a very large number of leading lawyers have joined me in concluding that Dean Kagan will be an excellent Solicitor General. Dean Kagan's nomination to be Solicitor General has been endorsed by every Solicitor General who served from 1985 to 2009—Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, and Greg Garre. That is not the Solicitors General from every Democratic administration—that is every Solicitor General over the last 24 years, including conservatives Ted Olson and Ken Starr. Surely their expert opinions should provide a strong indication that Dean Kagan will be an excellent Solicitor General.

Third, it is worth noting the historic nature of this nomination. If confirmed, Dean Kagan would become the first woman confirmed by the Senate to hold the Office of Solicitor General of the United States. Dean Kagan has spent her lifetime breaking glass ceilings, and she is poised to break another for the benefit of generations of women to come.

Finally, I would like to commend Chairman LEAHY for his continuing determination to confirm as many Department of Justice nominees as quickly as possible. The United States deserves the best advocate possible before the Supreme Court. We should confirm Dean Kagan and let her get to work. And we should swiftly confirm the remaining nominees to the Department of Justice. I look forward to continuing to work with Chairman LEAHY in that effort.

Mr. BUNNING. Mr. President, I rise today to speak on the nomination of Dean Elena Kagan of the Harvard School of Law to be Solicitor General of the United States. It is with regret that I announce that I will not be able to support this nomination.

My first reason is that it appears that Dean Kagan's nomination process is not yet complete. My colleague, the ranking member of the Senate Judiciary Committee Senator ARLEN SPECTER, has already spoken on this at some length, but I agree with his thoughts. He asked Dean Kagan, in writing, to expand upon responses she supplied to the Judiciary Committee. In the estimation of several committee members and others, such as myself, she did not provide an adequate response to these requests. I find that it is not possible for me to vote to advance the nomination of someone who has not yet completed the nomination process.

However, we do know some things about Dean Kagan's beliefs. For one thing, she has shown a disdain for the policy contained in the Solomon amendment. The Solomon amendment bars federal aid to universities that prevent military recruitment on campus. This is a good policy and fairly supports our military and the men and women that are a part of it. Dean Kagan defends her position by saying that she opposes the recruiters because of the ''Don't Ask, Don't Tell'' policy. Whatever her concerns with that policy, it does not seem wise or fair to shut out our nation's military recruiters. By denying recruiters access to America's colleges and universities, our military is weakened. This is the kind of wrongheaded approach that I thought had died out years ago. Unfortunately, it is still alive in the person of the President's nominee to head one of the top positions in the Department of Justice.

Dean Kagan has also expressed an unsettling attitude towards religion and religious organizations. In a memo as a law clerk on the subject of which organizations should receive funding to counsel teenagers on pregnancy, she wrote ''It would be difficult for any religious organization to participate in such projects without injecting some kind of religious teaching.'' She added ''When government funding is to be used for projects so close to the central concerns of religion, all religious organizations should be off limits.'' This seems like an incredibly insensitive, insulting, and impractical view to hold. Does Dean Kagan feel that only atheists are fit to handle government funds? Would she support some sort of a ''religious commitment'' litmus test? This seems like an attitude that would be unfit for a high ranking member of our government.

It is for these reasons that I cannot support this nomination. I urge my colleagues to join me in opposition.

Mr. CORNYN. Mr. President, I rise to share my views on the nomination of Elena Kagan, who has been nominated by President Obama to serve as Solicitor General of the United States.

As my colleagues know, I have supported several of President Obama's executive nominees and opposed a few others. I believe that it is my constitutional duty to carefully review the record and qualifications of each nominee, while giving an appropriate amount of deference to the President when a nominee is objectively qualified for the position to which they are nominated, regardless of political orientation.

For example, I voted to confirm Secretary of State Hillary Clinton. I likewise voted to confirm Ambassador Ron Kirk to be U.S. Trade Representative.

Unfortunately, I could not reach the same conclusion with Attorney General Eric Holder regarding his fitness to serve as the Nation's top law enforcement official.

And, for the reasons outlined below, I cannot support Elena Kagan's nomination to be Solicitor General. My primary concern with Ms. Kagan's nomination is her continued failure to respond to legitimate and relevant questions posed by me and others.

As I explained when the Judiciary Committee approved Ms. Kagan's nomination on March 5:

> Ms. Kagan notes how much she respects the Senate and its institutional role in the nominations process. Regrettably, her refusal to answer legitimate and relevant questions posed by me and others belies this claimed respect. For this reason, I will be voting 'no' this morning and do not believe that her nomination should be advanced. I hope that Ms. Kagan reconsiders her position because I believe that she is otherwise qualified to serve as Solicitor General.

In response to Senator SPECTER's subsequent request to supplement her answers in writing, Ms. Kagan returned a 22-page letter purporting to do just that. But I concur with Senator SPECTER, the ranking member on the Judiciary Committee, who has determined that too many of Ms. Kagan's answers to relevant and legitimate questions remain incomplete and unresponsive. As Senator SPECTER correctly notes, this is about the Senate's institutional prerogatives.

In sum, I do not believe that Ms. Kagan has provided the basic level of responsiveness that the Senate's constitutional advice and consent function demands. And for that reason I am forced to vote against her.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't know if there are other Members are coming. While the Senator from Alabama is on the floor, let me note that I heard there may be one or two more Members coming over. I hope they will come soon. I am going to be here, as I have a series of meetings until well after 6, but I know a number on both sides have flights to catch.

Once everybody has spoken, I will suggest that we yield back all time and have a vote. I know the Senator from Alabama had specific time set aside and didn't use all of it. I hope he might join me in calling for other Senators who wish to speak to come over. If they are to speak, it would be better to do it sooner rather than later. It would be a great help to a number of Senators on both sides of the aisle.

Mr. SESSIONS. If the Senator will yield, the chairman of the Judiciary Committee has set up ample time for this to be discussed today. I thank him for that. Senator SPECTER, a little while ago, indicated that he thought the time should be yielded back and we could vote as early as 5. He hoped that would be acceptable, and he urged people to come down if they have comments. I will join him and you in urging people to come down if they have remarks to make. It would be more convenient, I think, for people to have an early vote.

Mr. LEAHY. Mr. President, I thank my friend from Alabama. I urge Members—if there are others—not to wait until 5. And I ask those on the other side of the aisle, if you wish to speak, please do so as soon as possible, because at some point—and we will do this only with notice to the Republican

side—I am going to ask unanimous consent to yield back all time and go to a vote.

In the meantime, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, it is a distinct honor for me to rise in support of Dean Elena Kagan and her nomination to be Solicitor General of the United States. As most of my colleagues are aware, she has had an illustrious legal career that includes clerking for Judge Abner Mikva on the U.S. Court of Appeals for the District of Columbia and also Justice Thurgood Marshall on the U.S. Supreme Court. She has obtained tenure in two of the most distinguished law schools in the country: the University of Chicago and Harvard Law School. She served as Special Counsel in the Clinton administration, and now she is dean of the Harvard Law School.

I had the privilege of getting to know Dean Kagan through alumni activities at Harvard Law School. She is much younger than I, obviously much smarter than I, but we still are alumni of the same law school. She is extraordinarily qualified to be the Solicitor General based on her intellectual gifts but also in terms of her temperament, her professionalism, her experience, and her innate sense of fairness and decency. She will represent the United States well, not only with her legal analysis but with her commitment to the principles that sustain this country based on the Constitution of the United States. There are many qualities that make her ideally suited for this job—her temperament, her maturity, her judgment, her success in leading one of the most complicated faculties in the country.

Most lawyers have opinions, so when you put 100 or so of them together, you have a lot of different viewpoints. She has led Harvard Law School with great skill and with great success. I think it will be an indication of her ability to lead the Solicitor General's office and to harmonize in principle, reaching substantive agreements, the critical issues that are debated within the this important office and going forward.

In the 5 years she has been dean of the law school, she also received great acclaim for bridging the differences in approaches and viewpoints at the school, with hiring new faculty members with diverse viewpoints, different from hers, recognizing that the heart and soul of an academic institution is debate, vigorous debate, not orthodoxy but vigorous debate, and she has done that.

She has been very attentive to the needs of the students there. I was particularly impressed when I visited the law school and had a chance to meet some veterans of the U.S. military who had served in Iraq and Afghanistan and who were then current law students at Harvard. Their praise for the dean, both her personal qualities and her leadership qualities, was unstinted. They saw her as someone who deeply appreciated their sacrifice as soldiers, marines, sailors, and airmen in the service of this Nation. They understood this not just from what she said, but from her attitude, her deep and profound respect for their service. I thought that was a particularly telling point, commending her to me in a very real and very immediate sense.

What is also particularly striking about Dean Kagan is that her entire life's work as a legal scholar shows a deep and profound commitment to the Constitution of the United States which governs us all. She has committed herself to giving it meaning, to making it a force to advance the ideals of this country. She brings not only great respect for the Constitution, great knowledge of the Constitution, but also the understanding that this is a document that unites us—our aspirations, our ideals, our hopes, our wishes for the future—it links us to the past and it unites us to go forward into the future.

She was asked by officials at my other alma mater, West Point, in October 2007 to speak to the cadets because they recognize that this is a woman of rare talent as a lawyer and rare judgment, someone who understands that we live in a government of laws, not of men and women. That is a fundamental lesson that must be imparted to those who take an oath to protect with their lives the Constitution of the United States, to recognize that we are a nation of laws, and soldiers, more than anyone else, have to recognize that because it is their lives that give us the opportunity to live under this Constitution of laws.

She used as a touchstone for this speech a place on campus at West Point called Constitution Corner. It was the gift of the West Point class of 1943. It was to recognize that, in fact, soldiers in this great country are servants to the Constitution.

One of the five plaques at this site is entitled ''Loyalty to the Constitution,'' which basically states what all of us who have been in the military are keenly aware, that the United States broke with an ancient tradition. Instead of swearing loyalty to a military leader, American soldiers swear their loyalty to the Constitution of the United States. I had that rare privilege on July 3, 1967, when I took the oath as a cadet at West Point.

The rest of her speech explored the fundamental rule of law, giving purpose and context to what these young men and women, soldiers in our Nation, will do when they lead other soldiers to defend—not territory, not business enterprises, but the foundation of our country—the Constitution of the United States.

She mentioned examples of people who have put the Constitution before their own personal comfort and privilege—President Nixon's Attorney General Archibald Cox, who refused to go along with summary firings in the wake of the Watergate scandal, and President George W. Bush's Attorney General John Ashcroft, our former colleague, both of whom did their best to uphold the rule of law in very trying circumstances. These are examples that I think resonated very well with the cadets.

I believe the dean is someone who has not just the skill, not just the mind, but the heart to serve with distinction as Solicitor General of the United States. She will be a forceful and powerful advocate, not for the administration, not for any small, narrow cause, but for the Constitution of the United States. I believe that is the fundamental role of the Solicitor General, one she will perform admirably.

I recommend without reservation Dean Kagan to this body. I hope we all rise to support her. If confirmed as the first female Solicitor General of the United States, we will be extremely fortunate to have her representing the people of the United States before the Supreme Court of the United States.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

GUN VIOLENCE

Mr. BURRIS. Mr. President, I stand today to discuss a matter of great importance and great sadness to every community across this country. From our biggest cities to our smallest towns, gun violence is stealing the lives of innocent victims. It is tearing apart families, communities, and our own sense of security. Gun violence in our communities must end, and it must end now.

In just the last 2 weeks we have had too many grim reminders of what can happen when there are too many weapons on the street. From Chicago and Maryville, IL, to Samson, AL, we have seen gun violence mix with devastating results.

Friday was a tragic day in Chicago. Last Friday night, 14-year-old Gregory Robinson was gunned down in a car while driving with his family through Chicago's far south side. This young man's funeral is today. Instead of reaching his dream to become a basketball star at Simeon Career Academy in Chicago, this high school freshman became the 28th Chicago public

school student to be killed just this year. Twenty-eight students, Mr. President. I repeat, 28 young lives are now snuffed out.

Last Tuesday was an equally tragic day in the city. On Tuesday, young Franco Avilla, a tenth grader at Roosevelt High School on Chicago's west side, was shot to death. Instead of being the exception, shooting deaths of our school children have now become the rule. Last school year, 26 Chicago public school students were shot during the full 9-month school year. Well, this year, Chicago public schools have already surpassed this sad milestone, and it is only March.

When Franco left his house last Tuesday afternoon, his last words to his father were: ''Dad, I'll be back.'' He never came home. Gun violence took his life.

We must take action now to get these weapons off our streets and end the senseless slaughter of our young people.

Guns played an equally devastating role in the life of Juan Pitts. Mr. PITTS' son, Kendrick, was a 17-year-old student at Bowen High School when he was shot down last month alongside two other Chicago public school students—15-year-old Raheem Washington and 13-year-old Johnny Edwards.

The deaths of these young men are atrocious. Yet the pain and tragedy of the Pitts family has only doubled since then. Two weeks ago, Kendrick's brother, Carnell, who graduated from Bowen High School last year, was shot to death at a gathering on Chicago's south side.

Gangs and gun violence go hand-in-hand. Our youth should be carrying school books instead of firearms. Yet in so many instances, our failure to invest in the education of our youth on the front end is at the root of the violence and imprisonment, as a result, on the back end. Our failure to enact serious, sensible gun control measures make it much more likely these tragedies are going to occur again and again.

We tend to think of gun violence as a problem of large urban areas—a symptom of America's big cities. Well, the truth is, no community is immune to such senseless behavior. I am from a small town. I was born and raised in Centralia, IL, which is about 100 miles south of our State capital of Springfield. I know how close-knit these small-town families and small towns are. I know how safe these towns seem to be.

Sadly, two recent events proved otherwise.

A recent shooting in Maryville, IL, which is about an hour-and-a-half drive from my hometown of Centralia, reminds us that the dangers associated with guns affect us all, no matter where we live, work, pray or go to school.

Two weeks ago, on a quiet Sunday morning, a 27-year-old gunman walked straight down the aisle of Maryville's First Baptist Church and shot and killed Pastor Winters during the normal weekly service. Just days later, in Samson, AL, we saw the all-too-familiar word flash across our TV screens again—''massacre.'' A 28-year-old gunman killed a total of 10 individuals and injured many more before he finally took his own life during an hour-long rampage.

The 10 individuals who died, whose lives ended on that tragic Tuesday afternoon, were going about their daily routine without the slightest thought that their lives would end that very day. The many more who were wounded by those gunshots surely never thought they, too, would be victims—survivors, nonetheless—of gun violence.

The stark truth is, everybody is a victim of gun violence. Every Senator in this body has constituents who have been touched by this issue, and it is our responsibility as lawmakers and leaders of this great Nation to ensure assault and semiautomatic weapons do not take the lives of so many innocent victims. We must take action to stop the senseless killing on our Nation's streets, in our communities, at our schools, and in our places of worship. We must take action to increase our gun control measures and decrease our gun violence. Ultimately, by doing so, we will be taking action to ensure our children, our families, and our communities live in a safer place in America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I ask unanimous consent the time of the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. BENNETT. Mr. President, President Obama's budget is sending mixed messages to the American people. I know he faces a very difficult time, as do we all. I know he is trying to get the best counsel he can, and I applaud him for that. I do not have a degree in macroeconomics and I know some of the finest macroeconomists in the country are on President Obama's team. I do not know anybody, however, on President Obama's team who has ever run a small business. So, if I may be so presumptuous, I would like to share some of the realities of running a small business with the President's team and see if we can't understand why many of the things that are in the President's budget, in fact, will have directly the opposite effect than he wants.

It is the goal of the administration to increase job creation and spur economic growth. That is a legitimate goal. However, we must understand this about how you increase job creation: You must be sure small businesses are properly taken care of because small businesses provide more than half the jobs Americans hold and small businesses create the new jobs. When large businesses start downsizing, buying people out and laying people off, where do they go? In many instances, those who do not go on unemployment end up in small businesses.

If I may offer my own credentials, I have run businesses that were as small as two people—myself and my secretary. I was recruited to be the CEO—a very high-powered title—of a business that had only four employees. I made number five. We grew that business to the point that there were thousands of employees and the business was ultimately listed on the New York Stock Exchange. So I offer that to the macroeconomists on President Obama's team, to say that if you want to increase jobs and if you want to increase economic growth and thereby increase tax revenue to the Federal Government, you should pay attention to small business.

One of the worst things that can happen to you when you are trying to grow a small business is to make money. That sounds counterintuitive, but it is true. Why? Because you need that money to finance your growth, but the Government shows up and says we want ours in taxes. So you want the tax rate to be as low as possible. The business that I described, that went from four employees to the New York Stock Exchange, was built during what the New York Times and other critics called the decade of greed because the top tax rate was 28 percent, and they thought that was terrible. It was only 28 percent, the top marginal tax rate? That is awful. That only goes for the greedy Americans.

That meant that for every dollar we earned in that business, we got to keep 72 cents of it, which we could use to finance the growth of the business. That business was grown with internally generated funds. Yes, we had a bank line and yes we drew on the bank line, but it was the internally generated funds that made it possible for us to create those thousands of jobs.

Because there were a small number of us in that business, we took the

business income onto our personal tax returns. That is allowed under the Tax Code, under what is known as Chapter S, under the Tax Code. We were an S corporation. So while my tax return showed the amount I was paid while I was the CEO of that company, it also showed my share of the profits of the company. None of that came to me. All of that was reinvested in the company. But for tax purposes, it showed up on my tax return. So I, very quickly, for tax purposes, was an American earning more than $250,000 a year. I was not, but my tax returns showed that I was.

Now, the top tax rate was 28 percent. This was while Ronald Reagan was President. If we were to start that business today and the President's budget were to pass and the President's Tax Code were to be enforced, we would now be paying not 28 percent but 42 percent because you would go to 39.5 percent and then you would have the other add-ons connected with Medicare and the other things that have been changed. I do not believe the business would have survived. I think that tax burden would have been so heavy that we would not be able to make it.

Let me give you the numbers from my own State, to show how important this is. In the State of Utah, we have 68,758 small businesses that employ less than 500 people; we have 65,693 small businesses that employ less than 50 people, and we have 61,057 small businesses that employ less than 20 people.

So the number of people employed by small businesses in Utah—this rules out the farmers, this is not agriculture—is 760,096 in businesses with less than 500 people each. That is 61 percent of Utah's entire employment population.

Now, if you increase the taxes on all of those people on the assumption that they are rich, you increase the taxes on every one of those businesses because they are rich. Look, the owners of the businesses are filing tax returns to show over $250,000 so they must all be Wall Street brokers and traders. Right.

Now, they are people who are struggling to make the business grow, struggling to provide the jobs. Make no mistake, the tax increases proposed by President Obama's budget will hurt Utah's small businesses, hundreds of thousands of our employees, our State's economy, and that means, at large, our national economy. So it is a mixed message. The goal is job creation, but the budget will hurt the greatest engine of job creation which is small businesses.

Second, the administration's goal is to increase service in America and invest in the nonprofit sector. That sounds wonderful. Then they turn around and say: If you invest in the nonprofit sector, you, American citizens, we are going to take away a portion of your tax deduction for the gift you give to charity. This is a double hit.

If I am running my small business I have just described, the tax man shows up and gives me less than I can give to charity, and then if I do give some to charity, the tax man shows up and takes more of that away from me by eliminating part of my tax deduction for charity. That is a mixed message. We want you to do this, but we are creating an economic incentive that makes it difficult for you and will penalize you.

Now, finally, the administration has the goal to protect the majority of Americans from tax increases. The President has said over and over that he will not increase taxes for 95 percent of Americans. That sounds wonderful until you turn around and recognize that he is proposing a new energy tax at the gas pump and on your utility bill that will hit 100 percent of Americans.

So on one side: Well, we are not going to hit you on the income tax side. But we are going to take it away from you on the gas pump and utility side. This is because he wants to create a cap-and-trade program. Other countries have cap-and-trade programs. I was in the United Kingdom. I talked to the people about theirs. As they were outlining how it works, I said to them: Do your ratepayers understand they are paying this? This is not money that is created in Heaven.

The answer I got was: Well, they are beginning to. We all saw the reaction of Americans when gas was $4 a gallon at the pump, and we all felt the heat as our constituents came us to and said: You have got to do something about this; this is far too much for us to pay for gasoline.

Then when the prices came down, that political outrage began to disappear. However, if you do cap and trade in the way the President wants, those prices will start to creep up again. It will be at the gas pump, it will be at the utility. So it is another mixed message.

We have three mixed messages. We want to create jobs, but we are going to tax the greatest engine of creating jobs. We want people to get involved in national service, but we are going to tax them and penalize them if they do. We want Americans, ordinary Americans, to go without tax increases, but we are going to increase their taxes on energy and hit them with a fund that will amount to approximately $650 billion, by virtue of the carbon tax that will come through the cap-and-trade program.

What is the consequence of all of this? My colleagues have talked about the fact that the record spending is going to double the national debt in 5 years, triple it in 10 years. How is the administration going to pay for that? In the ways I have described. They are going to do it through increased taxes.

There is one last thought I want to leave everyone. We can determine here in the Congress how much we spend. We cannot determine here in the Congress how much we take in. We can pass a tax law that will project a certain amount that will come in, but that projection will not come to pass if the economy is not strong. Money does not come from the budget. Money comes from the economy. If the economy is weakened, if the generations of economic growth are weakened in the ways I have described, we will not have the money with which to pay the debt.

So we come back to that which the distinguished Republican leader has said at the beginning of this debate: If you take the President's budget all in all, it spends too much, it taxes too much. And when the taxes do not cover what is being spent, it borrows too much.

I may not be a macroeconomist, but I have a long history of running a business and knowing how devastating the tax man's arrival can be to that business. I have a history of creating jobs, jobs that pay taxes as the employees are compensated. I know this aspect of our economy is one that the Obama administration would be well advised to pay attention to.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 5 p.m. today, the Senate proceed to vote on confirmation of the nomination of Elena Kagan, and that all debate time on the nomination be yielded back, except that the chairman and ranking member or their designees have 2 minutes each immediately prior to the vote; further, that all provisions of the previous order governing the nomination continue to be effective.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have heard a lot of debate here today. I remind Senators of one thing: The Kagan nomination is not controversial. Every Solicitor General who served from 1985 has endorsed her nomination. That is every Democratic one, every Republican one, across the political spectrum.

Let me read some of the names who have endorsed this woman Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, Greg Garre. Here is what they wrote in their letter of support:

We who have had the honor of serving as Solicitor General over the past quarter century in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton and George W. Bush, write to endorse the nomination of Dean Elena Kagan to be the next Solicitor General of the United States. We are confident that Dean

Kagan will bring distinction to the office, continue its highest traditions, and be a forceful advocate for the United States before the Supreme Court.

One of the conservative professors whom Dean Kagan helped bring to Harvard Law School was Professor Jack Goldsmith. You may remember, he took charge of the Office of Legal Counsel after the disastrous tenures of Jay Bybee and John Yoo.

Professor Goldsmith, a conservative, praised Dean Kagan as someone who takes to the Solicitor General's Office a better understanding of the Congress and the executive branch that she will represent before the Court than perhaps any prior Solicitor General.

I ask unanimous consent that a list of these and the dozens of other supporters be printed in the RECORD.

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

LETTERS OF SUPPORT FOR THE NOMINATION OF ELENA KAGAN TO BE SOLICITOR GENERAL OF THE UNITED STATES

CURRENT AND FORMER PUBLIC OFFICIALS

David A. Strauss; Gerald Ratner Distinguished Service Professor of Law, The University of Chicago; former Attorney-Adviser in the Office of Legal Counsel of the U.S. Department of Justice and former Assistant to the Solicitor General of the United States.

Charles Fried; Beneficial Professor of Law, Harvard Law School; former Solicitor General.

Clifford M. Sloan; Skadden, Arps, Slate, Meagher & Flom, LLP; former Assistant to the Solicitor General of the United States.

Jack Goldsmith; Professor, Harvard Law School; former Assistant Attorney General, Office of Legal Counsel.

Joint Letter from Former Department of Justice Officials; Janet Reno, former Attorney General;

Jamie S. Gorelick, former Deputy Attorney General; Patricia Wald, former Assistant Attorney General for Legislative Affairs; Eleanor D. Acheson, former Assistant Attorney General for the Office of Policy Development; Loretta C. Argrett, former Assistant Attorney General for the Tax Division; Jo Ann Harris, former Assistant Attorney General for the Criminal Division; Lois Schiffer, former Assistant Attorney General for the Environment and Natural Resources Division.

Joint Letter from Former Solicitors General; Walter Dellinger, Theodore B. Olson, on behalf of: Charles Fried, Kenneth W. Starr, Drew S. Days III, Seth P. Waxman, Paul Clement, Gregory G. Garre.

Judith A. Miller; former General Counsel, Department of Defense.

Miguel A. Estrada; Gibson, Dunn & Crutcher, LLP; former Assistant to the Solicitor General.

Paul T. Cappuccio; Executive Vice President and General Counsel of Time Warner; former Associate Deputy Attorney General.

Peter Kiesler; former Assistant Attorney General for the Civil Division.

Roberta Cooper Ramo; former President, American Bar Association.

LAW ENFORCEMENT AND CRIMINAL JUSTICE ORGANIZATIONS.

Women in Federal Law Enforcement.

CIVIL RIGHTS ORGANIZATIONS

John Payton; President and Director-Counsel, NAACP Legal Defense Fund, Inc.

National Association of Women Lawyers.

National Women's Law Center.

OTHER SUPPORTERS

Brackett B. Denniston, III; Senior Vice President and General Counsel, General Electric.

Bradford A. Berenson; Sidley Austin, LLP.

Jeffrey B. Kindler; Chairman of the Board, Chief Executive Officer, Pfizer, Inc.

John F. Manning; Bruce Bromley Professor of Law, Harvard Law School.

Joint Letter from former Harvard Law Students; Katie Biber Chen, Class of 2004; Anjan Choudhury, Class of 2004; Justin Driver, Class of 2004; Isaac J. Lidsky, Class of 2004; Meaghan McLaine, Class of 2004; Carrie A. Jablonski, Class of 2004; Jeffrey A. Pojanowski, Class of 2004; Beth A. Williams, Class of 2004; John S. Williams, Class of 2004; David W. Foster, Class of 2005; Courtney Gregoire, Class of 2005; Rebecca Ingber, Class of 2005; Lauren Sudeall Lucas, Class of 2005; Kathryn Grzenczyk Mantoan, Class of 2005; Anton Metlitsky, Class of 2005; Chris Murray, Class of 2005; Rebecca L. O'Brien, Class of 2005; Beth A. Stewart, Class of 2005; Ryan L. VanGrack, Class of 2005; David S. Burd, Class of 2006; Eun Young Choi, Class of 2006; Matt Cooper, Class of 2006; Brian Fletcher, Class of 2006; David S. Flugman, Class of 2006; Adam D. Harber, Class of 2006; Jeffrey E. Jamison, Class of 2006; Nathan P. Kitchens, Class of 2006; Tracy Dodds Larson, Class of 2006; Benjamin S. Litman, Class of 2006; Dana Mulhauser, Class of 2006; Meredith Osborn, Class of 2006; Matthew Price, Class of 2006; John M. Rappaport, Class of 2006; Kimberly J. Ravener, Class of 2006; Rachel Rebouche, Class of 2006; Zoe Segal-Reichlin, Class of 2006; Jeremiah L. Williams, Class of 2006; Tally Zingher, Class of 2006; L. Ashley Aull, Class of 2007; Daniel F. Benavides, Class of 2007; Robert P. Boxie, III, Class of 2007; Damaris M. Diaz, Class of 2007; Gabriel Kuris, Class of 2007; Adam R. Lawton, Class of 2007; John A. Mathews II, Class of 2007; Michele A. Murphy, Class of 2007; Michael A. Negron, Class of 2007; Alexi Nunn, Class of 2007; Josh Paul Riley, Class of 2007; Jasmin Sethi, Class of 2007; Jane Shvets, Class of 2007; Jason M. Spitalnick, Class of 2007; James Weingarten, Class of 2007; Amy C. Barker, Class of 2008; Kathryn Baugher, Class of 2008; Margaux Hall, Class of 2008; Rochelle Lee, Class of 2008; Daniel P. Pierce, Class of 2008; Elizabeth Russo, Class of 2008; Megan Ryan, Class of 2008; Andrew M. Woods, Class of 2008.

Joint Letter from Former Lawyers in the Solicitor General's Office; Andrew L. Frey, Assistant to the Solicitor General, Deputy Solicitor General; Kenneth S. Geller, Assistant to the Solicitor General, Deputy Solicitor General; Philip Allen Lacovara, Assistant to the Solicitor General, Deputy Solicitor General; Andrew J. Pincus, Assistant to the Solicitor General; Charles A. Rothfeld, Assistant to the Solicitor General; Stephen M. Shapiro, Assistant to the Solicitor General, Deputy Solicitor General.

Joint Letter from Iraq War Veterans and Harvard Law Students; Geoff Orazem, Hagan Scotten, and Erik Swabb.

Joint Letter from Law School Deans; Larry D. Kramer, Dean and Richard E. Lang Professor of Law, Stanford Law School; T. Alexander Aleinikoff, Dean, Georgetown University Law Center; Evan H. Caminker, Dean, The University of Michigan Law School; Michael A. Fitts, Dean, University of Pennsylvania Law School; Harold H. Koh, Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; David F. Levi, Dean, Duke University School of Law; Saul Levmore, Dean and William B. Graham Professor of Law, The University of Chicago Law School; Paul G. Mahoney, Dean, University of Virginia School of Law; Richard L. Revesz, Dean and Lawrence King Professor of Law, New York University School of Law; David M. Schizer, Dean, Columbia University School of Law; David van Zandt, Dean, Northwestern University School of Law.

Joseph H. Flom; Skadden, Arps, Slate, Meagher & Flom, LLP.

Judith Lichtman; Senior Advisor, National Partnership for Women & Families.

Laurence H. Tribe; Carl M. Loeb University Professor, Harvard University.

Martin Lipton; Wachtell, Lipton, Rosen & Katz.

Robert D. Joffe; Cravath, Swaine & Moore, LLP.

Robert Katz; The Goldman Sachs Group, Inc.

William F. Lee; Co-Managing Partner, Wilmer-Hale; former Member, Board of Overseers of Harvard College and the Visiting Committee to Harvard Law School.

Mr. LEAHY. It is time for our daughters and granddaughters to see a woman serving as the chief legal advocate on behalf of the United States. I urge all Senators, just as the Republican and Democratic former Solicitors have supported her, to support President Obama's nomination.

Vote to confirm Elena Kagan to be Solicitor General of the United States.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Under the previous order, there will now be 4 minutes of debate, equally divided, prior to a vote on the Kagan nomination.

Mr. LEAHY. Parliamentary inquiry: I thought the vote was going to be at 5 o'clock.

The PRESIDING OFFICER. After the 4 minutes of debate.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time for both sides be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Elena Kagan, of Massachusetts, to be Solicitor General of the United States?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), and the

Senator from Mississippi (Mr. COCHRAN).

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

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—61

Akaka	Gillibrand	Mikulski
Baucus	Gregg	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Bingaman	Inouye	Reid
Brown	Johnson	Rockefeller
Burris	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Kohl	Shaheen
Cardin	Kyl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Coburn	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCaskill	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NAYS—31

Alexander	DeMint	Risch
Barrasso	Enzi	Roberts
Bennett	Grassley	Sessions
Bond	Hutchison	Shelby
Brownback	Inhofe	Specter
Bunning	Isakson	Thune
Burr	Johanns	Vitter
Chambliss	Martinez	Voinovich
Corker	McCain	Wicker
Cornyn	McConnell	
Crapo	Murkowski	

NOT VOTING—7

Boxer	Graham	Murray
Cochran	Kennedy	
Ensign	Klobuchar	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Mr. MCCAIN. The President nominated Elena Kagan, currently dean of Harvard Law School, for Solicitor-General of the United States. While I do not share many of Dean Kagan's views, I especially disagree with Dean Kagan on the constitutionality of the Solomon amendment.

In 2005, Dean Kagan and 53 other law school faculty members filed an amicus brief to declare the Solomon amendment unconstitutional. The Solomon amendment, named for former Congressman Jerry Solomon, alloys military recruiters to meet with students on college campuses and allows the Reserve Officers' Training Corps, ROTC, to train on college campuses. The Supreme Court found Dean Kagan's arguments to be unpersuasive and declared the Solomon Amendment to be constitutional. I believe the Supreme Court was absolutely correct in its decision.

It is my hope that as Solicitor General, Dean Kagan will not allow her personal viewpoint on this important issue to prohibit the implementation of the Solomon amendment and that our military recruiters continue to recruit the best and brightest at our Nation's colleges to serve in our military.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1586, an act to impose an additional tax on bonuses received from certain TARP recipients, just received from the House and at the desk; that the Baucus-Grassley amendment, which is the text of S. 651, which was introduced today by Senators BAUCUS, GRASSLEY, and others, be considered and agreed to, the motions to reconsider be laid upon the table, the bill, as amended, be read three times, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I don't believe Congress should rush to pass yet another piece of hastily crafted legislation in this very toxic atmosphere, at least without understanding the facts and the potential unintended consequences. Frankly, I think that is how we got into the current mess.

As the chairman of the Finance Committee said last week:

> Frankly it was such a rush—we're talking about the stimulus bill now—to get it passed, I didn't have time and other conferees didn't have time to address the provisions that were modified significantly.

I don't know what is in this legislation. Nobody else knows what is in this legislation. There have been no hearings. It seems to me the Banking Committee should have a hearing. The Finance Committee should have a hearing. Obviously, any tax legislation should be vetted through the Finance Committee. I am a member of that committee. We haven't had any meetings to talk about this. Other Senators need time to consider the bill and offer amendments through the regular order through the committee process. More importantly, because of the public interest, the public ought to have the right to review this legislation to make sure it doesn't have any additional loopholes or unintended consequences.

The Baucus bill, as I understand it, is retroactive, not something we ordinarily do with tax policy. It seems to me we ought to have these hearings before we let this legislation come to the body. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, before my friend leaves, I appreciate the statement of my friend from Arizona. At least he is willing to look at it and study it, and I appreciate that very much. The Republican leader in the House, of course, was opposed to it, so we are glad the Republican assistant leader, the Republican whip, as a member of the Finance Committee, will look at it. The bill has been filed on our side and, hopefully, we can work toward getting something done. I appreciate the statement of the Senator from Arizona.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS OF FINANCIAL MARKETS

Mr. KAUFMAN. Mr. President, I wish to spend a few minutes talking about action that needs to be taken to restore the credibility of the fairness of the American financial markets.

On Monday, Senators ISAKSON, TESTER, and I introduced S. 605, which directs the Securities and Exchange Commission to write regulations that will deal effectively with abusive short selling.

One of the abusive techniques addressed in the bill is so-called ''naked short selling.'' Naked short selling is when traders sell shares they don't own and have no ability to deliver at the time of sale—which dilutes the value of a company's shares and can drive prices down artificially.

Before the ink on our bill was even dry, we received a profoundly disappointing report from the SEC's inspector general entitled ''Practices Related to Naked Short Selling Complaints and Referrals,'' a report detailing the results of an audit on the SEC Division of Enforcement's policies, procedures and practices for processing complaints about naked short selling.

An astounding 5,000 complaints about abusive short selling were sent to the SEC's Enforcement Division between January 1, 2007 and June 1, 2008. There could be no mistaking the scale of the potential problem that that number of complaints reflected. Incredibly, a mere 123 complaints were referred for further investigation. Worse, and I quote: ''none of the forwarded complaints resulted in enforcement actions . . .'' five thousand complaints, zero enforcement actions.

Not surprisingly, the SEC inspector general has concluded that the processes for dealing with such complaints need a fundamental overhaul.

Accordingly, the IG made 11 suggestions for improvements. And how did the Enforcement Division respond? It agreed to one of the IG's recommendations, and declined to move on the rest.

I have been around Washington and the Senate for 36 years, but rarely have

I seen an inspector general's call for action so summarily dismissed.

In its comments to the IG report, the SEC Enforcement Division stated:

there is hardly unanimity in the investment community or the financial media on either the prevalence, or the dangers, of ''naked'' short selling.

I ask my colleagues: Why would the SEC Enforcement Division want to wait until there is unanimity in the investment community and the financial media to enforce the law? Why would the SEC Enforcement Division in its comments to the IG report want to give a virtual ''green light'' to continued abusive naked short selling? That is an enforcement division that is not worthy of its name.

In the IG's response to the Enforcement Division, the IG notes that it is ''disappointed'' that the Enforcement Division only concurred with one of the 11 recommendations in the audit report. The IG is ''particularly concerned'' that the Enforcement Division did not concur in its first three recommendations—that the Division should develop a written in-depth triage analysis for naked short selling complaints.

Moreover, the IG notes:

SEC has repeatedly recognized that naked short selling can depress stock prices and have harmful effects on the market. In adopting a naked short selling antifraud rule, Rule 10b–21, in October 2008, the Commission stated, 'We have been concerned about ''naked'' short selling and, in particular, abusive 'naked' short selling, for some time.

Where does this leave us, Mr. President? We have an SEC that is ostensibly concerned about abusive naked short selling, but we have an enforcement division—after receiving literally thousands and thousands of complaints about naked short selling—that has brought no enforcement actions and doesn't take seriously an IG audit and recommendations.

This is an outrage.

I want to be clear, this was the record from a review of last year's examination of short selling complaints. This is an issue Mary Schapiro, the new SEC chair, has inherited. She just got to the SEC. But this is a strong indication of the need for real leadership at the SEC. Unless and until that happens, investors will have reason to worry that markets are not yet free of manipulation and abuse.

Of all the challenges confronting our financial system, none is more important than restoring investors' trust and confidence in the market—the belief that the game isn't rigged against them. After the disastrous and unprecedented losses of the past year, millions of Americans will refuse to put their resources back into the stock market until they believe the system is once again sound, fair and adequately overseen by the SEC.

In the not-so-distant past, a strategy of long-term buying-and-holding offered a roadmap for comfortable living in retirement and the ability to provide to our children and grandchildren that all-important economic head start in life.

Then, the market valued companies based on economic fundamentals and expected future profits.

Today, too many people view the stock markets as another gambling casino, dominated by volatility and susceptible to predatory short sellers who profit from false rumors and bear raids.

To restore faith in our securities markets, the Securities and Exchange Commission urgently needs to reflect a clear commitment to meaningful change.

It is time to restore the integrity, efficiency and fairness of our securities markets by preventing manipulative short selling, ensuring that the market fairly values the actual shares issued by a company, and outlawing the creation of ''phantom shares'' by abusive short sellers.

Let's remember how we got here. The opaque derivatives market allowed some people to play a shell game by leveraging to the hilt and buying and selling synthetic instruments that ultimately crashed in value. The same thing happens through abusive short selling, when traders sell shares they do not own and have no ability to deliver at the time of sale.

It is like making copies of your car's title, and then selling the title to the car three times, while hoping you can find other cars to deliver if the buyer proceeds.

In some cases, the short interest in a particular company's stock on a given day has spiked dramatically after false rumors have circulated about the company. The data further show that ''fails'' to deliver are large and problematic.

That is evidence of manipulation. It distorts the market. It must end now.

Let me be clear: the problem isn't short selling itself, which can enhance market efficiency and price discovery.

The problem is that, under current rules, short sellers can sell stocks they haven't actually borrowed in advance of their short sale—and with no uptick rule in place as a circuit breaker. The current standard requires only a ''reasonable belief'' that a short seller can locate the necessary shares by the delivery date; that is no standard at all and subjects the market to rife abuse.

For the market to flourish again, the SEC must issue rules and enforce them in a way that convinces investors the system is not rigged against them.

One important step the SEC should take now is to reinstate the substance of its former ''uptick'' rule.

The uptick rule served us well for 70 years until the SEC rescinded it in July 2007. It required short sellers to take a breath and wait for a sale at a higher price before continuing to sell short in declining markets. According to one survey, 85 percent of CEOs, and professionals at NYSE-listed companies favor reinstating it. Fed Chairman Bernanke, bipartisan Members of Congress, and former regulators favor reinstating it. The SEC should do that now.

Restoring the uptick rule is necessary, but not sufficient, to rein in abusive short selling. If the SEC is to alter fundamentally the way stocks trade today, it must also require—and enforce—short sellers possessing at the time of the sale a demonstrable legally enforceable right to deliver the shares—a so-called ''pre- borrow'' requirement. We simply can't tolerate a market that permits short sellers to create phantom shares that dilute a company's value, erode the value of investors' holdings and manipulate share prices downward.

A recent Bloomberg news report based on SEC data confirmed that so-called ''naked'' short selling contributed significantly to the demise of Lehman Brothers and Bear Stearns. Those companies took horrendous gambles and their share values had to reflect those serious missteps, but in the absence of ''naked'' short selling both might nevertheless have survived.

Abusive short selling is gasoline on the fire for distressed stocks and distressed markets. And the knowledge that it is still tolerated rattles small investors and shakes confidence in our markets.

Mr. President, I ask unanimous consent that this story be printed in the RECORD.

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

[From Bloomberg.com, Mar. 19, 2009]

NAKED SHORT SALES HINT FRAUD IN BRINGING DOWN LEHMAN (CORRECT)

(By Gary Matsumoto)

(Corrects levels of failed-to-deliver shares in second and 18th paragraphs.)

The biggest bankruptcy in history might have been avoided if Wall Street had been prevented from practicing one of its darkest arts.

As Lehman Brothers Holdings Inc. struggled to survive last year, as many as 32.8 million shares in the company were sold and not delivered to buyers on time as of Sept. 11, according to data compiled by the Securities and Exchange Commission and Bloomberg. That was a more than 57-fold increase over the 2007 peak of 567,518 failed trades on July 30.

The SEC has linked such so-called fails-to-deliver to naked short selling, a strategy that can be used to manipulate markets. A fail-to-deliver is a trade that doesn't settle within three days.

''We had another word for this in Brooklyn,'' said Harvey Pitt, a former SEC chairman. ''The word was 'fraud.''

While the commission's Enforcement Complaint Center received about 5,000 complaints about naked short-selling from January 2007 to June 2008, none led to enforcement actions, according to a report filed yesterday by David Kotz, the agency's inspector general.

The way the SEC processes complaints hinders its ability to respond, the report said.

Twice last year, hundreds of thousands of failed trades coincided with widespread rumors about Lehman Brothers. Speculation that the company was being acquired at a discount and later that it was losing two trading partners both proved untrue.

After the 158-year-old investment bank collapsed in bankruptcy on Sept. 15, listing $613 billion in debt, former Chief Executive Officer Richard Fuld told a congressional panel on Oct. 6 that naked short sellers had midwifed his firm's demise.

GASOLINE ON FIRE

Members of the House Committee on Government Oversight and Reform weren't buying that explanation.

''If you haven't discovered your role, you're the villain today,'' U.S. Representative John Mica, a Florida Republican, told Fuld.

Yet the trading pattern that emerges from 2008 SEC data shows naked shorts contributed to the fall of both Lehman Brothers and Bear Stearns Cos., which was acquired by JPMorgan Chase & Co. in May.

''Abusive short selling amounts to gasoline on the fire for distressed stocks and distressed markets,'' said U.S. Senator Ted Kaufman, a Delaware Democrat and one of the sponsors of a bill that would make the SEC restore the uptick rule. The regulation required traders to wait for a price increase in the stock they wanted to bet against; it prevented so-called bear raids, in which successive short sales forced prices down.

DRIVING DOWN PRICES

Reinstating the rule would end the pattern of fails-to-deliver revealed in the SEC data, Kaufman said.

''These stories are deeply disturbing and make a compelling case that the SEC must act now to end abusive short selling—which is exactly what our bill, if enacted, would do,'' the senator said in an e-mailed statement.

Short sellers arrange to borrow shares, then dispose of them in anticipation that they will fall. They later buy shares to replace those they borrowed, profiting if the price has dropped. Naked short sellers don't borrow before trading—a practice that becomes evident once the stock isn't delivered. Such trades can generate unlimited sell orders, overwhelming buyers and driving down prices, said Susanne Trimbath, a trade-settlement expert and president of STP Advisory Services, an Omaha, Nebraska-based consulting firm.

The SEC last year started a probe into what it called ''possible market manipulation'' and banned short sales in financial stocks as the number of fails-to-deliver climbed.

'UNSUBSTANTIATED RUMORS'

The daily average value of fails-to-deliver surged to $7.4 billion in 2007 from $838.5 million in 1995, according to a study by Trimbath, who examined data from the annual reports of the National Securities Clearing Corp., a subsidiary of the Depository Trust & Clearing Corp.

Trade failures rose for Bear Stearns as well last year. They peaked at 1.2 million shares on March 17, the day after JPMorgan announced it would buy the investment bank for $2 a share. That was more than triple the prior-year peak of 364,171 on Sept. 25.

Fuld said naked short selling—coupled with ''unsubstantiated rumors''—played a role in the demise of both his bank and Bear Stearns.

''The naked shorts and rumor mongers succeeded in bringing down Bear Stearns,'' Fuld said in prepared testimony to Congress in October. ''And I believe that unsubstantiated rumors in the marketplace caused significant harm to Lehman Brothers.''

DEVALUING STOCK

Failed trades correlate with drops in share value—enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman and other stocks last year, Trimbath said.

While the correlation doesn't prove that naked shorting caused the lower prices, it's ''a good first indicator of a statistical relationship between two variables,'' she said.

Failing to deliver is like ''issuing new stock in a company without its permission,'' Trimbath said. ''You increase the number of shares circulating in the market, and that devalues a stock. The same thing happens to a currency when a government prints more of it.''

Trimbath attributes the almost ninefold growth in the value of failed trades from 1995 to 2007 to a rise in naked short sales.

''You can't have millions of shares fail to deliver and say, 'Oops, my dog ate my certificates,' '' she said.

EXPLANATION REQUIRED

On its Web site, the Federal Reserve Bank of New York lists several reasons for fails-to-deliver in securities trading besides naked shorting. They include misunderstandings between traders over details of transactions; computer glitches; and chain reactions, in which one failure to settle prevents delivery in a second trade.

Failed trades in stocks that were easy to borrow, such as Lehman Brothers, constitute a ''red flag,'' said Richard H. Baker, the president and CEO of the Washington-based Managed Funds Association, the hedge fund industry's biggest lobbying group.

''Suffice it to say that in a readily available stock that is traded frequently, there has to be an explanation to the appropriate regulator as to the circumstances surrounding the fail-to-deliver,'' said Baker, who served in the U.S. House of Representatives as a Republican from Louisiana from 1986 to February 2008.

''If it's a pattern and a practice, there are laws and regulations to deal with it,'' he said.

FINES AND PENALTIES

Lehman Brothers had 687.5 million shares in its float, the amount available for public trading. In float size, the investment bank ranked 131 out of 6,873 public companies—or in the top 1.9 percent, according to data compiled by Bloomberg.

While naked short sales resulting from errors aren't illegal, using them to boost profits or manipulate share prices breaks exchange and SEC rules and violators are subject to penalties. If investigators determine that traders engaged in the practice to try to influence markets, the Department of Justice can file criminal charges.

Market makers, who serve as go-betweens for buyers and sellers, are allowed to short stock without borrowing it first to maintain a constant flow of trading.

Since July 2006, the regulatory arm of the New York Stock Exchange has fined at least four exchange members for naked shorting and violating other securities regulations. J.P. Morgan Securities Inc. paid the highest penalty, $400,000, as part of an agreement in which the firm neither admitted nor denied guilt, according to NYSE Regulation Inc.

ENFORCEMENT 'RELUCTANT'

In July 2007, the former American Stock Exchange, now NYSE Alternext, fined members Scott and Brian Arenstein and their companies $3.6 million and $1.2 million, respectively, for naked short selling. Amex ordered them to disgorge a combined $3.2 million in trading profits and suspended both from the exchange for five years. The brothers agreed to the fines and the suspension without admitting or denying liability, according a release from the exchange.

Of about 5,000 e-mailed tips related to naked short-selling received by the SEC from January 2007 to June 2008, 123 were forwarded for further investigation, according to the report released yesterday by Kotz, the agency's internal watchdog. None led to enforcement actions, the report said.

Kotz, the commission's inspector general, said the enforcement division ''is reluctant to expend additional resources to investigate'' complaints. He recommended in his report yesterday that the division step up analysis of tips, designating an office or person to provide oversight of complaints.

SCHAPIRO'S PLANS

The enforcement division, in a response included in the report, said ''a large number of the complaints provide no support for the allegations'' and concurred with only one of the inspector general's 11 recommendations.

SEC Chairman Mary Schapiro, who took office in January, has vowed to reinvigorate the enforcement unit after it drew fire from lawmakers and investors for failing to follow up on tips that New York money manager Bernard Madoff's business was a Ponzi scheme. She has ''initiated a process that will help us more effectively identify valuable leads for potential enforcement action,'' John Nester, a commission spokesman, said in response to the Kotz report.

Last September, the agency instituted the temporary ban on short sales of financial stock. It also has announced an investigation into ''possible market manipulation in the securities of certain financial institutions.''

NO EFFECTIVE ACTION

Christopher Cox, who was SEC chairman last year; Erik Sirri, the commission's director for market regulation; and James Brigagliano, its deputy director for trading and markets, didn't respond to requests for interviews. John Heine, a spokesman, said the commission declined to comment for this story.

''It has always puzzled me that the SEC didn't take effective action to eliminate naked shorting and the fails-to-deliver associated with it,'' Pitt, who chaired the commission from August 2001 to February 2003, said in an e-mail. The agency began collecting data on failed trades that exceed 10,000 shares a day in 2004.

''All the SEC need do is state that at the time of the short sale, the short seller must have (and must maintain through settlement) a legally enforceable right to deliver the stock at settlement,'' Pitt wrote. He is now the CEO of Kalorama Partners LLC, a Washington-based consulting firm. In August, he and some partners started RegSHO.com, a Web-based service that locates stock to help sellers comply with short-selling rules.

POSTPONED 'INDEFINITELY'

Pitt began his legal career as an SEC staff attorney in 1968, and eventually became the commission's general counsel. In 1978, he joined Fried Frank Harris Shriver & Jacobson LLP, where as a senior corporate partner he represented such clients as Bear Stearns and the New York Stock Exchange. President George W. Bush appointed him SEC chairman in 2001.

The flip side of an uncompleted transaction resulting from undelivered stock is called a ''fail-to-receive.'' SEC regulations state that brokers who haven't received stock 13 days after purchase can execute a so-called buy-in. The broker on the selling side of the transaction must buy an equivalent number of shares and deliver them on behalf of the customer who didn't.

A 1986 study done by Irving Pollack, the SEC's first director of enforcement in the 1970s, found the buy-in rules ineffective with regard to Nasdaq securities. The rules permit brokers to postpone deliveries ''indefinitely,'' the study found.

The effect on the market can be extreme, according to Cox, who left office on Jan. 20. He warned about it in a July article posted on the commission's Web site.

TURBOCHARGED DISTORTION

When coupled with the propagation of rumors about the targeted company, selling shares without borrowing ''can allow manipulators to force prices down far lower than would be possible in legitimate short-selling conditions,'' he said in the article.

'' 'Naked' short selling can turbocharge these 'distort-and- short' schemes,'' Cox wrote.

''When traders spread false rumors and then take advantage of those rumors by short selling, there's no question that it's fraud,'' Pollack said in an interview. ''It doesn't matter whether the short sales are legal.''

On at least two occasions in 2008, fails-to-deliver for Lehman Brothers shares spiked just before speculation about the bank began circulating among traders, according to SEC data that Bloomberg analyzed.

On June 30, someone started a rumor that Barclays Plc was ready to buy Lehman for 25 percent less than the day's share price. The purchase didn't materialize.

'GREEN CHEESE'

On the previous trading day, June 27, the number of shares sold without delivery jumped to 705,103 from 30,690 on June 26, a 23–fold increase. The day of the rumor, the amount reached 814,870—more than four times the daily average for 2008 to that point. The stock slumped 11 percent and, by the close of trading, was down 70 percent for the calendar year.

''This rumor ranks up there with the moon is made of green cheese in terms of its validity,'' Richard Bove, who was then a Ladenburg Thalmann & Co. analyst, said in a July 1 report.

Bove, now vice president and equity research analyst with Rochdale Securities in Lutz, Florida, said in an interview this month that the speculation reflected ''an unrealistic view of Lehman's portfolio value.'' The company's assets had value, he said.

'OBSCENE' LEVERAGE

During the first six days following the Barclays hearsay, the level of failed trades averaged 1.4 million. Then, on July 10, came rumors that SAC Capital Advisors LLC, a Stamford, Connecticut-based hedge fund, and Pacific Investment Management Co. of Newport Beach, California, had stopped trading with Lehman Brothers.

Pimco and SAC denied the speculation. The bank's share price dropped 27 percent over July 10–11.

Banks and insurers wrote down $969.3 billion last year—and that gave legitimate traders plenty of reason to short their stocks, said William Fleckenstein, founder and president of Seattle-based Fleckenstein Capital, a short-only hedge fund. He closed the fund in December, saying he would open a new one that would buy equities too.

''Financial stocks imploded because of the drunkenness with which executives buying questionable securities levered-up in obscene fashion,'' said Fleckenstein, who said his firm has always borrowed stock before selling it short. ''Short sellers didn't do this. The banks were reckless and they held bad assets. That's the story.

'MARKET DISTRESS'

On May 21, David Einhorn, a hedge fund manager and chairman of New York-based Greenlight Capital Inc., announced he was shorting stock in Lehman Brothers and said he had ''good reason to question the bank's fair value calculations'' for its mortgage securities and other rarely traded assets.

Einhorn declined to comment for this story. Monica Everett, a spokeswoman who works for the Abernathy Macgregor Group, said Greenlight properly borrows shares before shorting them.

Even when they're legitimate, short sales can depress share values in times of market crisis—in effect turning the traders' negative bets into self-fulfilling prophecies, says Pollack, the former SEC enforcement chief who is now a securities litigator with Fulbright & Jaworski in Washington.

The SEC has been concerned about the issue since at least 1963, when Pollack and others at the commission wrote a study for Congress that recommended the ''temporary banning of short selling, in all stocks or in a particular stock'' during ''times of general market distress.''

AIRPORT RUNWAY

On Sept. 17, two days after Lehman Brothers filed for Chapter 11 bankruptcy, the number of failed trades climbed to 49.7 million, 23 percent of overall volume in the stock.

The next day, the SEC announced its ban on shorting financial companies in 2008. The number of protected stocks ultimately grew to about 1,000. On Sept. 19, the commission announced ''a sweeping expansion'' of its investigation into possible market manipulation.

The ban, which lasted through Oct. 17, didn't eliminate shorting, according to data from the SEC, the NYSE Arca exchange and Bloomberg. Throughout the period, short sales averaged 24.7 percent of the overall trading in Morgan Stanley, Merrill Lynch & Co. and Goldman Sachs Group Inc. on NYSE Arca. In 2008, short sales averaged 37.5 percent of the overall trading on the exchange in the three companies.

To date, the commission hasn't announced any findings of its investigation.

Pollack, the former SEC regulator, wonders why.

''This isn't a trail of breadcrumbs; this audit trail is lit up like an airport runway,'' he said. ''You can see it a mile off. Subpoena e-mails. Find out who spread false rumors and also shorted the stock and you've got your manipulators.''

Mr. KAUFMAN. The new SEC leadership has the opportunity to make the SEC a ''can do'' agency once more. The SEC is scheduled to meet on April 8 to discuss the uptick rule and abusive short selling. The Chair and commissioners should move quickly to adopt the uptick rule and a pre-borrow requirement.

If not, Congress should do its part and direct the SEC to do that quickly.

After yesterday's IG report and the Enforcement Division's response to it, I am even more convinced that SEC Chair Schapiro needs to grab the reins quickly at the SEC, and get back to standing up for investor interests to restore confidence in the markets. If the SEC won't do it, Congress should require them to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 659 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before the Senator from Tennessee leaves, I wish to say how much I enjoyed his comments, and I think no matter which side of the aisle we are on, we get up in the morning wanting to try to make a difference. So I appreciate his sentiments and I appreciate his comments very much, as it relates to what we hope we will all instill in our students and teachers and those who love our country. I appreciate his comments.

AMERICAN AUTOMOBILE INDUSTRY

Ms. STABENOW. Mr. President, I wish to speak a little bit today about a subject near and dear to my heart, and that is our American auto industry.

Before the global credit crisis happened, our American auto industry was undertaking ambitious restructuring plans. I know there are those who haven't been aware of that up until now but in fact it is true.

For the past decade, our American auto industry has been moving toward improved fuel efficiency, improved quality, and advanced technologies. I am very proud of what the men and women in our country do in terms of building our American automobiles. This was clearly shown as the auto industry laid out the plans before Congress last December. The companies and the workers have been making tremendous sacrifices even before they were asked to do so, to level the playing field with foreign competitors. The idea of cutting, restructuring, layoffs, plant closings are not new. They are, unfortunately, a way of life at the moment in Michigan and other manufacturing States where there have had to be major sacrifices, particularly for workers and their families.

By the end of the current 2005 and 2007 contracts for workers, the labor cost gap between domestic and foreign automakers would have been largely eliminated. They also eliminated 50 percent of the companies' liability for retiree health benefits, and that is before any of the current debate. It was also before the global credit crunch happened. The global credit crunch has hit everybody—every business, large and small, every consumer, every family, every homeowner.

Certainly our auto industry has seen the brunt of the inability to get capital, the inability of people to get a car loan, our auto dealers and the challenges they have had, our auto suppliers, as well as the OEMs.

The failure of our auto industry, if we allow them to go down because of a global credit crisis, would mean a loss of over 400,000 supplier jobs and over 450,000 jobs in the service sector, national deficits, and reductions in personal income. It would be a huge catastrophe if we were to allow the global credit crisis to create a situation in which we would no longer have an American auto industry.

It is important for us to understand that this crisis has similarly affected

the foreign automakers, forcing them to request help from China, Canada, Japan, Spain, Great Britain, Brazil, as well as numerous other countries.

We find ourselves in a situation where this credit crisis has profoundly affected the backbone of manufacturing in the United States. We have seen firsthand in Michigan the challenges that GM, Ford, and Chrysler have faced. We now have a White House auto task force that has been set up to work with General Motors and Chrysler, which have asked for assistance from us in this global credit crisis.

Today we had a very important announcement to help the industry as a whole. I thank the White House auto task force for understanding that along with our automakers, it is critically important that our suppliers be able to pay their bills, supply the parts, and continue to be a very important part of this industry as a whole.

I very much appreciate the fact that a very positive action was taken today by the auto task force to help make capital available during this credit crisis for our tier 1 suppliers.

Our American auto industry represents about 4 percent of our gross national product and 10 percent of our industrial production value. Our auto industry provides health care and pensions to over a million retirees and their families who live all over the country, by the way, not just in Michigan, although we certainly would welcome them back. But they live all over the country.

Auto parts suppliers provide hundreds of thousands of jobs. They are the leading U.S. manufacturing employer. That, again, is why the decision that was made today to make capital available for our auto suppliers is so important.

In turn, those direct jobs contribute to 4.5 million—4.5 million—private industry jobs across the country. That is an additional 5.7 jobs for every single direct supplier job. We are talking in general about an industry that touches every State—not just Michigan, not just Ohio, not just Indiana, but every single State.

The domestic auto industry comprises more than 10 percent of the high yield bond market and is one of the largest sectors in leverage finance for the banks. They spend over $12 billion a year on research and development. Without this funding, our country would become dependent on foreign ideas and foreign technology that would threaten our role not only in innovation and in the global economy but in our national defense as well.

I come today to say that failure is not an option when it comes to the viability and support for our American auto industry. Right now, if one or more of the American auto companies is allowed to fail, then we can expect as many as 3.3 million lost jobs in the next year. When we think about what we are doing in the stimulus package, in the recovery package, and we think about 3.3 million jobs that would be lost in the auto industry alone, it is stunning.

Think about the recovery plan and the fact we are talking about creating or saving 3.5 million jobs—3.5 million jobs lost if one of the companies went down. This is a big deal. This is a huge issue for us. That is why I have fought so hard, along with Senator LEVIN and other colleagues, to make sure we are doing everything possible to create a level playing field for the American auto industry so we can maintain these jobs and the strong role—the vital role—they play in this economy.

It is not only about workers—direct workers or indirect workers. The fallout, if we were to see a company fail, would hit thousands of businesses that depend on the auto industry, from parts suppliers to dealers to service industries, body shops, consultants, advertisers, janitorial services—all kinds of other jobs, not counting the restaurant across the street from the plant. When the plant closes, the restaurant goes or the shoe store down the street goes. The drugstore goes. These are basic jobs, huge parts of the economy of thousands and thousands of communities across this country.

Also, let me be clear that the foreign automakers would be hurt as well because manufacturers share so many suppliers. Without the business from Detroit, those suppliers would fail. Many dealers own U.S. and non-U.S. dealerships, and they would not be able to keep operating without the American brands in the mix. That is why I am very pleased that the leadership of Toyota met with the auto task force to urge them to support the American auto industry through this global credit crisis because they know better than anyone that they share the same suppliers.

Again, that is why the decision today by the auto task force is so important, to support tier 1 suppliers because this supports the automakers, foreign and domestic, all over America. This is very important. It would have catastrophic effects on several States already suffering from some of the Nation's highest unemployment rates if, in fact, we would see one or more of these companies go down.

Let me show some of the numbers when we talk about what happens in terms of unemployment and the devastation across the country—people are out of work right now—and what would happen if our American automakers were not supported so they can continue. We would see a shutdown that would increase unemployment levels to over 10 percent in Indiana, Ohio, Rhode Island, Kentucky, South Carolina, Tennessee, California, Oregon, North Carolina, Mississippi, Nevada, Alabama, Missouri, Illinois, and Georgia.

My home State of Michigan already suffers from 11.6 percent unemployment. I understand how painful that is for communities. Rhode Island could lose over 9,000 jobs if we were to see one of our American automakers go under—9,000 jobs. Kentucky could lose 75,000 jobs and go to 11.9 percent unemployment. South Carolina could lose over 58,000 jobs and go to an unemployment rate of 11.9 percent.

To continue, Tennessee could lose over 106,000 jobs as a result of one of our three domestic automakers going under, which would bring their unemployment rate to 11.8 percent. California could lose over 300,000 jobs.

My point, whether it is Tennessee, California, Oregon, North Carolina, Mississippi, or other States is clearly what happens in Detroit does not stay in Detroit. That is the point. What happens in Detroit affects automakers and Americans all over the country, families who depend on a paycheck from a direct job in the auto industry or a supplier or some other small business. Others would be forced in a recession to find work that is not there. People are barely making it as it is.

My message overall, again, is that what happens in Detroit doesn't stay in Detroit. It goes all over the country. That is why the work of the White House auto task force is so important and why I appreciate so much their willingness to delve deeply into these issues and look at the facts—not the rhetoric but the facts—and determine what is best for the taxpayers, for American families, and for the economy. We owe it to American families. We owe it to the people of Michigan as well.

Part of what they are looking at is the fact that the failure of the American auto industry would put a disastrous burden on top of job loss, a disastrous burden on the Pension Benefit Guaranty Corporation that already faces massive shortfalls, a burden that could trigger tens of billions of dollars in additional pension obligations.

The reality is, those who say let GM go bankrupt, let Chrysler go bankrupt, the obligation to the American taxpayer from pensions alone would far exceed the relatively small request, certainly compared to AIG or Citigroup or any of the other Wall Street requests, a small request, relatively speaking, to keep over 3.5 million people working in this country in good-paying jobs.

It would have a debilitating ramification for our industrial base which would undermine our military challenges, which I mentioned before. I was at a terrific business on Monday that makes equipment for large trucks, our big long-haul trucks, a great American business called ArvinMeritor. When we look at what they make for those big trucks, the same kinds of brakes, the same kinds of axles, the battery they are developing for a hybrid truck, our largest trucks—all of those are technologies that either are used or will be used by the military, trucks that are being driven in Iraq, military vehicles around the world.

If we lose an American capability to manufacture vehicles, we affect the Department of Defense and we affect

every single man and woman who is serving us today in protecting our country by saying to them: We are going to now rely on foreign companies for our vehicles for the trucks they drive, the cars they drive, the tanks they drive. That doesn't make any sense at all.

We all have a stake in what happens in Detroit. We all have a stake in what happens to our American manufacturers and our American auto industry. We need a 21st century manufacturing strategy that is focused on American manufacturing, advanced manufacturing, as well as national security and energy security. Our automakers are an important part of that, but so are our other suppliers, our other manufacturers.

One of the things I so appreciate about President Obama's vision is that he understands we need to manufacture in this country. The budget he has given us focuses on our ability to create jobs through manufacturing, through manufacturing in the new energy economy, and in the traditional areas of manufacturing. In America, we need a revitalized advanced manufacturing base. That will be a major part of our economic recovery as a country.

Again, none of us can afford for our American automakers to fail. There is not a State represented here that can afford for that to happen. Failure would mean loss of jobs, a loss of capacity for our national defense, and the ability for us to build on an energy independence for the future.

Again, what happens in Detroit doesn't stay in Detroit. It affects every State, every American, and I very much appreciate the commitment of the White House auto task force and President Obama to work with us for a vital and vibrant auto industry for the future.

Mr. President, I yield the floor.

REHABILITATION INSTITUTE OF CHICAGO

Mr. DURBIN. Mr. Presdient, researchers at the Rehabilitation Institute of Chicago pursue scientific discoveries that blend the most advanced medicine with technology to create ability where it has been lost.

Their most recent innovation replaces a lost limb with a robotic one, which is controlled just as their lost arm was controlled—by thoughts and commands transmitted by the brain.

It has captured the world's attention. Their research was published recently in the Journal of the American Medical Association and highlighted by the New York Times. It gives us a taste of what might be possible as doctors, scientists, and engineers continue to learn more about the human body's nervous system.

It also provides new hope for all Americans who have an amputated arm or leg, including the hundreds of Iraq and Afghanistan veterans who have lost a limb through their service to our country.

You almost need to be a biomedical engineer to even pronounce the name of the technique developed at the Rehabilitation Institute of Chicago: pattern-recognition control with targeted reinnervation.

But it is easy to understand the procedure's importance to people around the world who have lost a limb.

When a person loses a limb, their brain does not know that the limb is gone. The brain continues to send signals through the nervous system, as if that lost arm or leg still existed. So, when a person who has lost an arm thinks about closing her hand or pointing a finger, her brain continues to send signals intended for the missing limb.

Dr. Todd Kuiken, a biomedical engineer and physician at the Rehabilitation Institute of Chicago, has found a way to harness these signals. His technology allows a patient to operate her prosthetic arm by thinking of the movement, as if her natural arm still existed.

First, Dr. Kuiken takes the good nerves that remain in the shoulder after the loss of an arm. Through surgery, these nerves are redirected and implanted into a patient's healthy remaining muscles in the chest.

When the patient thinks about closing her hand, the brain sends a signal through those redirected nerves into the reinnervated muscle, instead of in the direction of the missing arm.

The next step is to interpret those signals. It is not an easy task. Our hands alone can perform hundreds of movements, from the slightest finger wiggle to the clenching of a fist. Each movement is the result of a different pattern of signals from the brain. The challenge becomes deciphering which pattern means ''close the hand''? Which pattern means ''turn the wrist''?

Working to unlock the code, Dr. Kuiken and his colleagues now know which pattern is intended to produce a particular arm or hand movement. They place tiny antennas on the patient's chest to detect the patterns. The antennas convert the patterns into digital signals and send those signals to an advanced artificial arm worn by the patient. The signals tell the arm how to move.

The results of Dr. Kuiken's research have been promising. Amanda Kitts was one of the first patients to be fitted with one of the new prosthetics developed by the Defense Department's advanced research program, DARPA.

Amanda owns three daycare centers in Tennessee. She started working with the Rehabilitation Institute in 2006 and spent the following years traveling between Chicago and her home in Knoxville.

Amanda lost one of her arms in an automobile accident. The years she received therapy were difficult for her. She credits the therapists at the Rehabilitation Institute for giving her the strength to realize that her injury didn't have to change her outlook on life.

Amanda thought she would never be able to hug children again, including her son. But because of her new arm, she can.

She says of her new arm: ''It was wonderful . . . It made me feel more human because I could work it almost like a regular arm. I just had to think and it responded. My new arm made me feel like I could do anything again.''

Dr. Kuiken and the Rehabilitation Institute of Chicago have been working for several years to transfer this technology for the benefit of our wounded servicemembers. Through this collaboration, 10 wounded warriors have received this remarkable surgery at the Brooke Army and Walter Reed Medical Centers and are having their new prostheses fit at these state-of-the-art medical facilities.

Dr. Kuiken and the other researchers on this project deserve our thanks for their efforts, as does the Rehabilitation Institute of Chicago. Every year since 1991, U.S. News and World Report has identified the facility as the best rehabilitation hospital in the United States.

The Rehabilitation Institute is led by the indefatigable Dr. Joanne Smith, who did some of her training and subsequently consulted on patients at the VA. In addition to having expertise in prosthetics, the hospital is a leader in the treatment of traumatic brain injuries, the signature injury of the wars in Iraq and Afghanistan. Dr. Smith has worked to make her hospital's expertise and rehabilitation services available to the VA and the military services.

More work remains to be done to develop the targeted reinnervation technique. The researchers at the Rehabilitation Institute tell me that the sensation nerves to and from a hand—which relay touch sensations from hot to cold and sharp to dull—can also be harnessed. Doctors are working to put sensors into a robotic limb that has the ability to pick up these sensations.

If successful, the technique would allow patients to feel what they touch, as if they were touching it with their missing hand.

Such technology will help someone like Amanda Kitts regain her ability to sense touch from—feeling the texture of an object to knowing how hard she is squeezing her son's hand. The advance in sensing touch would help her reconnect to her world.

I am proud to have supported a $2 million request in the fiscal year 2009 Defense appropriations legislation to help advance Dr. Kuiken's research in Chicago. Those men and women in uniform who have lost a limb in service to our country deserve the best technology we have to help them regain their full abilities.

PATH TO BIPARTISAN AGREEMENT

Mr. GREGG. Mr. President, the spiraling cost of health care represents a

growing financial crisis for many Americans who either cannot afford quality health care coverage or are struggling to keep the insurance they currently have. When combined with the aging of our population, health care costs are driving the country's long-term fiscal challenges, challenges which we must address in a bipartisan way.

Unfortunately, many proposals being offered to achieve universal health care coverage are pushing us toward a system based on expansive government control, which will eventually lead to rationing, a reduction in the quality of care, and increased health care spending. That is absolutely the wrong way to go.

So, today I join Senator WYDEN and Senator BENNETT as a co-sponsor of the Healthy Americans Act, bi-partisan legislation to overhaul the nation's health care system, in an effort to make quality, affordable health insurance available to all Americans.

I congratulate Senator WYDEN on his leadership in advancing this cause and pulling together this strong bipartisan blueprint that goes a long way towards empowering consumers and the private market to extend health care coverage to all Americans.

Mr. WYDEN. I thank the Senator. I appreciate the co-sponsorship of the Senator from New Hampshire. The only way to produce enduring health reform is to work in a bipartisan manner. Unlike past efforts, through the Healthy Americans Act, there is bi-partisan agreement on the principal issues. Republicans have moved to support covering everyone and Democrats have moved to support private choices.

Mr. GREGG. In addition to the private market approach to expanding coverage, the bill attempts to reduce the growth in health care spending by providing incentives for preventive health care, wellness programs, and disease management, as well as a stronger focus on health care cost containment measures. These measures include lowering administrative costs and focusing on chronic care management, health information technology and medical malpractice reform as tools to control costs.

In addition to his commitment to enact comprehensive health care reform in a budget-neutral manner, I also would like to commend Senator WYDEN on his willingness to work with me to make improvements on last years' proposal. In particular the removal of the Medicare part D price negotiation language, the enhanced language to ensure stronger state flexibility, and the elimination of the non-health related tax provisions are strong improvements to the bill.

Mr. WYDEN. I appreciate Senator GREGG's commitment to moving this process forward and the thoughtfulness in his suggestions. I am happy to work with you and all of our other co-sponsors to continue to make improvements to the bill. While there are challenges on the specifics, as Senator GREGG has said, there's a lot to work with. Senator GREGG and I agree on fiscal responsibility, prevention, wellness, chronic care management, modernizing the tax code, improving the quality of care, containing costs, personal responsibility, and the importance of covering everyone.

Mr. GREGG. I look forward to working with the Senator to make further improvements as well. As I have told the Senator from Oregon in the past, I have some serious concerns about several elements of this plan, including the imposition of mandates; subsidies for higher income individuals; the impact on current market competition; the FDA labeling language regarding comparative effectiveness studies; and the issue of how to determine the appropriate level of coverage offered as part of a health care reform regime.

As you know, the bill uses the Federal Employee Health Benefit Plan, FEHBP, Blue Cross Blue Shield, BCBS, standard plan as he actuarial equivalent for the Healthy Americans Private Insurance, HAPI, plans. As the bill moves forward, our goal should be to create a more cost-effective benchmark that focuses on preventive care and core health care services to encourage greater individual responsibility on over-utilization of care.

Mr. WYDEN. I think Senator GREGG's arguments on these points make a lot of sense. There's more to be said for reviewing alternative proposals such as a default enrollment policy instead of an individual mandate and the role of FDA labeling in comparative effectiveness.

In light of the reports earlier this week that President Obama's health reform plan is estimated to cost more than $1.5 trillion over the next 10 years, it is better not to overpromise and undermine cost containment. It is important that the Congress find an appropriate benefit standard that will ensure quality coverage for all Americans that will not undermine our efforts to contain costs. I want to thank Senator GREGG for his thoughtful contributions and his willingness to work with me, Senator BENNETT and our bipartisan group. It's our plan to work closely with our leaders—Chairman BAUCUS, Ranking Member GRASSLEY, Chairman KENNEDY, and Ranking Member ENZI—to end 60 years of gridlock.

Mr. GREGG. I appreciate Senator WYDEN's comments and I am hopeful that by joining forces with colleagues on both sides of the aisle on a private market approach, we can begin a bipartisan dialogue, work through our differences, and find workable solutions that will result in a better health care system for all.

SUICIDE IN THE ARMED FORCES

Mr. FEINGOLD. Mr. President, today, on the sixth anniversary of the invasion of Iraq, I want to speak about an epidemic facing the Nation's Armed Forces; namely, the alarming rate of suicides in the services. Yesterday, the Personnel Subcommittee of the Armed Services Committee held an excellent hearing on this topic, and I would like to thank the chairman and ranking member for taking on this important issue. I would also like to discuss an issue that we have so far paid far too little attention to, and that is the way the strain on the force caused by the rate of deployment is compromising our ability to care for servicemembers struggling with mental health concerns.

We have come a long way in addressing this issue. Only a generation ago, Vietnam veterans struggled to get care for the long-term consequences of the trauma they survived during the war. They were trailblazers, and thanks to them the VA has revolutionized the way it cares for veterans. We now have, among other things, counseling centers where combat veterans can go to speak with experienced counselors who are also combat veterans about their difficulties in readjusting to civilian life. I commend the President for emphasizing the need for additional centers and have been a strong advocate for just that in the State of Wisconsin. But more remains to be done.

It is not sufficient to wait until a servicemember is discharged from the Services and transitioned to the VA to respond to the crisis. Let's be honest. There is a conflict between the responsibility to both maintain the readiness of the Armed Forces and adequately respond to the needs of servicemembers struggling with mental health issues. During this time of tremendous strain on the Armed Forces, our noncommissioned officer corps is under incredible pressure to ensure that the servicemembers under their command are ready to meet the demands of combat. We must create the space for them to identify those soldiers who are in need of extra assistance and provide a means for them to provide that assistance.

We must begin by asking men and women in uniform about their experiences and what we can do to support them. I was disappointed that the hearing yesterday did not include the testimony of servicemembers about their personal experiences, so I would like to take this opportunity to talk about what I have been hearing from servicemembers and their family members from my home State of Wisconsin.

Over 2 years ago, I was approached by a family whose son had taken his own life while serving in Afghanistan. After an investigation of the situation, I learned that the soldier was struggling to meet the grueling demands of his duties and had, perhaps as a result, become isolated from his unit. It was a tragedy for all involved.

Last year, my office was contacted by a soldier who immediately thereafter took his own life. A subsequent investigation revealed that he, too, had become isolated from his own unit. Due

to his ongoing struggle with mental illness, his leadership became understandably frustrated with him and repeatedly disciplined him. His doctors decided he was not fit to deploy with his unit which was headed to Iraq. This was a major blow for him. He desperately wanted to deploy with his unit. He became angry and isolated. He sought to be transferred to a wounded warrior transition unit where he could focus on his recovery. Unfortunately, his leadership failed to get him transferred in a timely manner. If they had, he might still be with us today.

I was recently approached by a Wisconsin veteran who lost three of his peers to suicide during his time in the Army. He has informed me that in all three instances one of the main problems was a breakdown in leadership. He has given me a list of recommendations for the Armed Forces to train our noncommissioned officers in suicide prevention. I will ask to have these recommendations printed in the RECORD.

Listening to the voices of these men and women serving in uniform, a consistent pattern has emerged. Our Armed Forces, which are under tremendous pressure due to two ongoing major contingency operations, are struggling to meet the needs of their members while completing their mission.

I suspect that the single most important thing our country can due to address this epidemic is to redeploy from Iraq so that we can take the time to care for the psychologically wounded without putting additional strain on those who have already completed multiple tours. Redeploying would also serve our national security needs by allowing us to better focus on the global threat posed by al-Qaida and its affiliates.

Secondly, we must review the strategy we embraced which has led us to rely so much on the continued sacrifice of so few. We must not make the same mistake again of engaging in a mistaken war of choice. We should not ask those who volunteer to serve their country to bear the burden of a 6-year war absent a compelling need. We, the civilian leadership of this country, owe it to the men and women in uniform to be more responsible stewards of our Armed Forces.

It is far past time to redeploy U.S. troops from Iraq. I am pleased that the President has set a course for such a redeployment. Now, we can turn to the task of rebuilding our Armed Forces.

Mr. President, I ask unanimous consent to have recommendations to which I referred printed in the RECORD.

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

U.S. ARMY SUICIDE PREVENTION PROPOSAL

ABSTRACT

The following correspondence is a proposal consisting of recommendations members of Congress should consider regarding the high numbers of suicides occurring within the Army. Even though this proposal is emphasized towards the structure of the Army, other branches should be able to utilize this proposal in order to improve suicide prevention tactics as well. If measures within this proposal are already being taken, I apologize for the redundancy. This proposal is also not intended to interfere with other preventive measures being considered by the Army. Its sole purpose is to implement ideas, based on my experiences, that should improve the health and welfare of soldiers, increase education for leaders at all levels to utilize while counseling subordinates, and to develop measures commanders should take should leaders abuse their authority, or commit any other acts of misconduct that may hinder health, morale, and welfare of soldiers within the United States Army.

INTRODUCTION

The high numbers of suicides within the United States Army are extremely disturbing. Ever since combat operations commenced in Afghanistan in October of 2001, the suicide rates have been increasing. However, statistics from 2007 and 2008 reveal numbers of suicides that are the highest since the Army began recording numbers of suicides in its history. In January of 2009, 24 soldiers took their own lives. The number of soldiers killed in action was lower than those who committed suicide. In February of 2009, another 18 soldiers committed suicide. Even though the Army has a very serious problem pertaining to suicides by soldiers deployed overseas, a high abundance of soldiers stationed within the United States are committing suicide as well.

I commend the Army's initial and recent efforts intended to handle this serious problem. Increasing the numbers of mental health experts, operating a suicide-prevention hotline, and encouraging soldiers to seek help if symptomatic are steps in the right direction. However, as a 13-year veteran who has dealt with a significant number of soldier suicides in the past, I am aware of other problems that require immediate attention. If these problems are not assessed and corrected, the aforementioned measures will make little difference in the pursuit of suicide prevention. Based on my observations and experiences, the primary core of problems involving suicides by soldiers involve breakdowns of leadership at the lower levels. Therefore, the following proposal will detail recommended improvements of leadership training for younger leaders.

ARMY RECRUITING COMMAND

Army recruiters have perhaps the most arduous duty within the enlisted ranks. They are required to meet specific standards in regards to attracting individuals to contemplate enlisting into the Army. They work very long hours each day, and often work six days a week. They are under constant pressure to secure enlistments so that the entire Army meets recruit quotas and goals. Overall, the duties they perform are extremely stressful. Recruiters either volunteer to perform recruit duty, or are selected to do so by the Department of the Army. Even though recruiters are noncommissioned officers who are normally more responsible and mature, they too are human beings who are subject to mental health problems due to the nature of their duties. Weeks ago, four recruiters in Houston committed suicide, most likely from extreme pressure from their chains of command. Recruiters normally have no one to turn to in times of stress. Their leaders want them to produce, not complain. Therefore, if they are experiencing any types of mental health problems, most are likely to keep it within themselves. Fellow recruiters must look out for each other, and pay attention to stress that appears beyond the normal stresses associated with recruiting duty. Like others, they should not be ridiculed or chastised should they request treatment. Also, even though it would probably be a difficult task, the Army needs to expand the recruiting command. The more recruiters, the less stress will be placed on recruiters performing their duties today. Also, stigmatization shall not be tolerated if a recruiter feels the need to seek mental health treatment. The fear of stigmatization is a very potential reason for the four suicides that occurred in Houston.

DRILL SERGEANT SCHOOL

Drill Sergeants are perhaps the ''elite'' of the noncommissioned officers throughout the Army. Like recruiters, they either volunteer to perform this duty, or are selected to do so by the Department of the Army. They are responsible for turning civilians into soldiers. Molding a typical individual into a motivated, highly-disciplined warrior is no walk in the park. Being a drill sergeant requires high levels of dedication and commitment to their duties. Drill Sergeant training is simply the same as going through basic training all over again. They learn what they are going to teach. Since they are the first true soldiers recruits are going to follow, drill sergeants must set an extremely high example at all times. Like recruiting, drill sergeants work long hours. They receive a limited number of days off. Drill sergeants are required to pay extra attention to detail due to the ''culture shock'' new recruits receive once entering initial-entry or one-station unit training. Basic training is normally a recruit's true separation from family and friends from home. Therefore, they are typically prone to suffering home sickness while being pushed to their limits. Drill sergeants must be adequately trained in recognizing changes in behaviors of their recruits. They must be proficient counselors, especially when recruits appear more stressed than normal. In 1995, a recruit at Fort Benning, Georgia shot himself to death after rifle training. The recruit had apparently hid a round after the training, and went to an isolated area with his weapon after cleaning it. He then used the live round in his possession to commit suicide. The incident was an example of dereliction that can occur if drill sergeants do not perform their duties with high levels of attention to detail.

INITIAL ENTRY TRAINING (IET)/ONE-STATION UNIT TRAINING (OSUT)

As mentioned earlier, entry into the Army is normally a level of ''culture shock'' for a new Army recruit. Even though they expect initial, or basic training to be a true test, they do not know what to truly expect until they initially experience the high levels of stress at the commencement of training. Drill sergeants are tasked to mold civilians into soldiers in a short period. Therefore, the operational tempo is very high. The stress can be so high that certain recruits may act out of normal character. However, one positive aspect of this level of training is that new recruits are treated the same way. They often turn to each other for support and encouragement. However, separation from loved ones is very difficult. If something negative happens within a recruit's family while he or she is in training, his or her behavior or mental state will most likely change. One of the first blocks of instruction recruits receive should involve the importance of the ''buddy system.'' Drill sergeants must inform their recruits that it is alright to report signs of problems. Even though drill sergeants are hard on their recruits, the last thing they want is for a recruit to feel alienated in any sort of way. If a recruit is suffering from mental distress, immediate intervention is a necessity. It is alright for

drill sergeants to demonstrate compassion towards the men and women they are training. Recruits are taught how to pay attention to detail just as much as drill sergeants are. Therefore, unusual behavior, or warning signs of potential suicide must be reported immediately. In the Army, all soldiers, regardless of rank, are safety officers. Recruits must be properly counseled by their cadre. If initial entry trainers cannot solve problems, recruits demonstrating signs of mental distress must be command-referred to mental health services upon immediate signs of problems in order to prevent a catastrophic event from happening.

THE ARMY NONCOMMISSIONED OFFICER EDUCATION SYSTEM (NCOES)

The initial phase of the NCOES involves the Warrior Leadership Course (WLC), which is designed to prepare Army specialists and corporals to become sergeants. Sergeants are normally ''team leaders,'' who have a span of control consisting of two or three subordinate soldiers. This four-week course is military occupation specialty (MOS) non-specific, and covers basic leadership skills. Students receive enhanced proficiency on physical fitness training, teaching skills, drill and ceremony, land navigation, field and garrison leadership, and a written examination. It also involves a situational training exercise (STX) designed to teach hands-on leadership in a battlefield environment. My recommendation is that a thorough block of instruction be implemented that focuses on overall suicide prevention. Students need to be taught what warning signs to look for, and how to properly counsel troubled soldiers, as well as carrying concerns up the NCO support channel and chain of command in order to prevent a crisis from occurring. The block of instruction should consist of classroom instruction and role-playing activities. The role-playing training would be the most beneficial part of the training. It must be as realistic as possible and should give students hands-on experience on listening to soldiers, demonstrating compassion and caring towards a subordinate's problem(s), and providing reassurances that problems can be resolved.

The next phase of the NCOES is the Basic Noncommissioned Officer Course (BNCOC), which is specific to a sergeant's MOS. The course is mandated for current or future staff sergeants. The length of BNCOC varies by MOS, and is a live-in learning environment conducted in two phases: Phase I, which is a review of blocks of instruction learned in the WLC, and Phase II, which is MOS-specific. This course provides opportunities to acquire the leader, technical, tactical, values, attributes, skills, actions, and knowledge required to lead a squad-sized element of nine soldiers. Like the WLC, a thorough block of instruction should be implemented regarding mental health and suicide prevention. It should involve the same classroom instruction and role-playing activities learned in the WLC. Once again, proactive and realistic role-playing would provide enhanced skills designed to identify warning signs of suicide, tactics to provide compassion towards the troubled soldier, and necessary measures to immediately inform the squad leader's NCO support channel and chain of command.

Promotable staff sergeants or newly-promoted sergeants first class must complete the Advanced Noncommissioned Officer Course (ANCOC) in order to lead a platoon-sized element. The course builds on the experiences gained in previous operational assignments and training. It emphasizes skills complementing commissioned officer counterparts. By the time NCOs reach this level of education, they should have adequate knowledge of mental health, soldier human nature, warning signs of suicide, and tactics required to ensure prevention measures are taken.

The final phase of the NCOES is the Sergeants Major Academy (USASMA). Noncommissioned officers (normally master sergeants) attending the academy, are instructed on how to implement policies, procedures, and training techniques and tactics. They are the primary NCOs who would be responsible for the oversight of suicide prevention training within the NCOES. Sergeants major are instructed to oversee operations within a battalion, brigade, division, or other element. Command sergeants major oversee the training and operations of all companies, battalions, brigades, divisions or other higher elements, and serve as the enlisted advisor to commanders of the aforementioned elements. Command sergeants major are the NCOs most responsible for ensuring NCOs are performing their duties properly and professionally. They should mandate suicide prevention training be a part of subordinate unit's training schedules. Suicide prevention training should be conducted by chaplains, and/or installation psychiatrists or psychologists. The same blocks of instruction should be utilized during these training sessions. My recommendation is that command sergeants major mandate one day of training be conducted by each unit quarterly during a fiscal year.

WEST POINT AND OFFICER CANDIDATE SCHOOL

Specific curriculums pertaining to mental health and suicide prevention must be implemented if they do not already exist. Suicide prevention training for officers is extremely important since they make final decisions as to how to handle soldiers who are demonstrating warning signs of committing suicide. More importantly, they must be prepared to initiate investigations within their units that should reveal why a soldier is contemplating suicide. Every unit has a safety officer designated by the unit commander. Safety officers must conduct thorough investigations as to why potential crises arise, who may be responsible for misconduct, and what measures must be taken in order to rectify the situation without any harm done to anyone.

THE MEDIC SCHOOL AT FORT SAM HOUSTON, TEXAS

On average, most Army companies have one medic per platoon. Medics, MOS 91W, are enlisted soldiers normally supervised by a medic NCO. Medics can be excellent counselors because many soldiers potentially having a crisis situation often do not feel comfortable talking about their problem(s) with their leadership for fear of stigma. Therefore, any suicide prevention training conducted at the Medical School at Fort Sam Houston must be very thorough and specific. It should involve the same blocks of instruction recommended within the NCOES. It would be of great surprise to me if a thorough block of instruction pertaining to crisis counseling and suicide prevention did not exist at the Army Medical School. Therefore, the United States Army Training and Doctrine Command (TRADOC) should take any potential immediate action to implement more crisis and suicide prevention training if necessary.

THE UNIFORM CODE OF MILITARY JUSTICE (UCMJ)

I am very aware of some of the potential reasons as to why soldiers resort to suicide. Whether they are experiencing personal problems, are unable to tolerate military stress and operational tempos, or are suffering from depression or any other type of mental illness, soldiers caring for each other are the best preventive measures. Based on my own personal experiences while serving in the Army, I have seen several young NCOs abuse their authority for their own personal satisfaction. I have seen newly-promoted sergeants embarrass subordinates in front of other soldiers just to demonstrate they are in charge, and that any defiance will result in repercussions. In my opinion, the failure to control ''rogue,'' or immature and inexperienced leaders is a significant and contributing factor in soldier suicides. Therefore, more senior NCOs must closely supervise newly-promoted NCOs to ensure soldiers are being cared for and not humiliated. As mentioned earlier, commanders should order investigations be conducted if soldiers are being mistreated. Not only can mistreatment of soldiers increase likelihoods of suicides, they will most likely affect the overall morale and cohesion of an entire unit. Therefore, I recommend commanders adopt and enforce ''no tolerance policies'' for acts of cruelty or maltreatment of subordinate soldiers by superior NCOs. Such actions violate Article 93 of the UCMJ (Appendix A). If complaints are made, and investigations reveal misconduct has occurred, commanders should either exercise their authority to discipline under Article 15 of the UCMJ (non-judicial punishment), or to order discipline under Article 32 for more serious offenses. However, soldiers must also know and understand their right to file a complaint against their commanding officer if he or she is performing wrongful actions against a soldier. Article 138 of the UCMJ (Appendix B) protects soldiers from wrongful disciplinary action being exercised by a commanding officer. If a soldier believes his or her commander is in violation of Article 138, a soldier should have full right to consult with the next highest commander within his or her chain of command. If no action is taken by that individual, the soldier should seek assistance from the post Inspector General (IG), or the post Staff Judge Advocate. For example, many soldiers are being separated under Chapter 14 of Army Regulation 635-200 (Appendix C) for acts of misconduct. However, these acts of misconduct may stem from mental health problems such as PTSD. Therefore, soldiers should exercise their rights under Article 138 to request medical separations. Chapter 14 separations normally result in ''other than honorable discharges.'' Such discharges often hinder a veteran's VA health benefits upon separation. Soldiers who served in a combat zone do not deserve such an act of injustice. Appendix D outlines examples of service members separated for misconduct. Another problem involves service members separated for personality disorders. According to Army Regulation 635-200, only a psychiatrist, or any other mental health professional may make such a diagnosis. Based on my experiences, commanders take such action to simply separate a soldier as soon as possible. Separations under Army Regulation 635-200 are performed much quicker than medical evaluation board (MEB) proceedings. While stationed at Fort Stewart, Georgia, I observed an NCO harass a subordinate on several occasions. However, even though the NCO was not properly performing his duties and abusing his authority, the commander declared the soldier as ''substandard,'' and had him transferred to another unit, alienating him from his friends and his overall support network. He eventually committed suicide shortly after the transfer. Such aforementioned abuses by NCOs are examples of abuses of authority. They cannot be tolerated. Even though an individual committing suicide is committing a selfish act that cannot be rectified, improper treatment of soldiers does nothing to help the situation. A new clause must be

added to Article 93 of the UCMJ. Since females do not deserve to be harassed sexually, or in any other manner, soldiers, regardless of sex, do not deserve to be harassed or chastised for being mentally ill. They deserve treatment. Therefore, I recommend Article 93 be amended to emphasize that any forms of stigma towards soldiers, regardless of rank, be a violation of the article.

MEDICAL EVALUATION BOARDS (MEB)

Medical evaluation board (MEB) proceedings should be commenced for all soldiers demonstrating symptoms of mental illness, regardless of the symptoms or the illness. An MEB establishes a disability rating, and the soldier is separated under honorably. Subsequently, he or she is able to obtain VA medical care for a service-connected disability, and may request disability percentage increases if his or her condition worsens. If a psychiatrist diagnoses a soldier with a ''personality disorder,'' the soldier should not be separated under the provisions of Army Regulation 635–200 governing personality disorders. He or she shall be medically separated with a disability rating.

CONCLUSION

As mentioned in the abstract, this correspondence involves recommendations and proposals that may already have been taken into consideration, or implemented within the Army. This correspondence is not intended in any way to insult the Army in any way. Its primary purpose is to attempt to assist with the prevention of suicides within the Army, regardless of whether soldiers are deployed or not. Too many soldiers have taken their lives over the past few years for unknown reasons. However, I have seen first hand soldiers take their own lives due to failed leadership. It is time to be proactive, and ensure more preventive measures are taken. Soldiers are human beings, not super heroes. Hence, missions cannot be completed without healthy soldiers on the front lines.

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, our next big objective is health care reform.

We have a unique opportunity to move forward on health reform this year. Now we must act. We simply cannot afford to wait any longer to fix our Nation's health care system.

We must work together to reduce health care costs, improve quality, and make coverage affordable for all Americans.

In the Finance Committee, we have held 13 hearings to prepare for health reform. Last week, we held a hearing on our Nation's health care workforce. The hearing examined ways to address our current workforce needs. The hearing considered ways to prepare our medical providers for health care reform.

At our hearing, four experts in the field testified about current health care workforce shortages, especially in primary care and nursing, and the witnesses told us that we must address these health workforce needs to meaningfully reform our health system.

Dr. David Goodman, the director of the Center for Health Policy Research, said: ''The workforce we train today will shape, for good or bad, tomorrow's health system.''

Dr. Goodman continued, ''It will be hard to improve access, achieve better health outcomes and decrease health care expenditure growth rates unless we get workforce policy right.''

I could not agree more.

Our efforts on health care reform are only as strong as our Nation's health care providers—the nurses, doctors, and other professionals—who are on the front lines caring for patients.

Investing in our health care workforce is critical as we work to expand health insurance coverage to millions of currently uninsured Americans.

During our hearing, Dr. Allan Goroll, a primary care doctor and professor at Harvard University, told us about the Massachusetts experience following the enactment of State health reform. Dr. Goroll said that some newly insured people in Massachusetts are waiting up to 2 months to get a doctor's appointment. That is simply unacceptable.

For our health care reform efforts to succeed, we must directly address these health workforce challenges.

It starts with primary care. Our current system greatly undervalues primary care. As a result, fewer students are going into the field. A recent study found that only 1 in 50 medical students plans a career in primary care internal medicine. That is down from more than one in five in the early 1990s. This trend is especially troubling, because it is clear that a strong primary care system is a key determinant of high quality, efficient medical care.

During our hearing, we learned that areas of the country with a high proportion of primary care doctors spend less money on health care. And patients there have the same or better outcomes.

We need to invest in our Nation's primary care providers to help improve the quality of our medical care and to bring down health care costs.

Our workforce challenges extend beyond primary care. Our Nation's hospitals continue to face a nursing shortage. Recent news reports tell of shortages of general surgeons and dentists in rural areas. Many parts of the country need more mental health practitioners. And the list could go on.

We need to tackle these challenges head-on. We need to place our Nation's health care workforce on sound footing. And we need to meet the medical needs of all Americans.

This is going to require a renewed focus on the way that we pay for and deliver health care. We must ensure our payment systems reward high quality medical care and encourage medical students to go into critical fields like primary care.

And we are going to need to take a hard look at our national workforce policies to make sure that our health care providers have the right training and skills to deliver excellent care.

This effort is vital for our health reform efforts to succeed. So let's get to work now.

Let's work together to strengthen our Nation's health care workforce. Let's build a health care system that delivers high-quality medical care for everyone. And let's act now.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Read below and explain why you or anyone would vote to stop drilling when the country is in such turmoil. Please [tell me why so many people have plenty while] I struggle with student loans that I just paid a company to try and get eliminated. If you want to help me, call the Department of Education and tell them to forgive my student loans. I paid [a company] $399 to get my loans discharged, so make a call and tell Department of Education to just do it without me suing them. It is said you get a denial letter, then you go to a lawyer just like for disability. Well, here is your chance to help an Idaho teacher that just lost her job due to mismanaged funds with [a local school district]. They are $2 million in debt so they [laid off several teachers and para-educators]. So I am asking for help.

BLOCKED IN D.C.

Investors Business Daily estimates there are 1 trillion barrels of oil trapped in shale in the U.S. and Canada. Retrieving just a 10th of it would quadruple our current oil reserves. There is a pool of oil in the Gulf of Mexico that is estimated to be as large as any in the Middle East. There is an equally large pool believed to be in Alaska.

The Chinese are attempting to tap into the Gulf oil supply by drilling diagonally from Cuba. I wonder what environmental safeguards they are using?

The fact is that there are environmentally safe methods of extracting oil from shale and drilling in both the Gulf and Alaska. Congress, however, continues to block these efforts. Just last week, the Senate voted to block any extraction from shale in Colorado. In essence, they voted to make your trips to the gas station more expensive, to make air travel more expensive, and to make heating your home more expensive. That is something to think about in an election year.

Another topic: Social Security

Another issue that concerns many Americans these days is the sustainability of

major entitlement programs like Social Security and Medicare. With all of Congress' talk about ''saving and preserving'' these programs, consider these facts about Social Security:

When Social Security (FICA) was introduced it was promised:

Participation in the program would be completely voluntary.

Participants would only have to pay 1% of the first $1,400 of their annual incomes into the program.

The money the participants elected to put into the program would be deductible from their income for tax purposes each year.

MARY.

Thank you for the opportunity to share my feelings about national energy policy. I cannot understand the thinking of most of the politicians I hear about. If I want to maintain my freedom personally, I make sure I am as self reliant as possible. I make sure I live within my income. I make sure I own the things I will need to sustain my lifestyle so I have control over them such as homes, cars, tools, computers, supplies, etc. especially if I need them on a long term basis. I rent them only when they are needed temporarily or I am not in a situation to purchase at the time. If I do not produce my own perishables or consumables such as food, water, fuel, etc., I try to make sure I have a good supply in case my sources get interrupted. The comparison I am trying to make is if we in the USA have the energy available why do not we develop it and use it. It is like we are renting our energy from someone else and they just raised the rent real high.

I am surprised we have not had more problems already with most of our energy coming from other countries. I realize some countries do not have access to large resources of energy and have to rely on other countries to supply it and their ability to decide their future is in great jeopardy. I realize too that some groups of people do not want us to be independent from the rest of the world and therefore try to keep us dependent on other countries as much as possible.

The USA has the technology and resources to become completely independent energywise from the rest of the world. Nuclear energy is a proven and very safe energy source of which we have abundant supplies of fuel material, especially if we reprocess our own spent fuel waste. We have vast amounts of coal that can be used in a clean way and converted to petroleum like fuels (synthetic gas and diesel) with the help of nuclear reactors to produce the hydrogen and heat needed. I think there is plenty of room for renewable energy too. We should use all our resources and have a diverse source of energy recovery methods from wind turbines to nuclear energy and yes even coal, oil, and oil shale. Electric cars are the best solution in some cases but not most. Mass transit works in some places but again not all. Strict pollution controls may be needed in Los Angeles but not in most places in Idaho. I guess the beauty of the ''anthropogenic global warming'' crisis (at least for the control-oriented groups) is it says everyone no matter where they live are polluters and need to be regulated and controlled. If you can control someone's resources you can control them and access to energy is needed to develop resources and have freedom.

If we can get to the moon and send probes to other planets, we can certainly solve our own energy needs if that were our goal. The problem I see is that that is not the goal of most politicians. Their goal seems to be to breed dependence on the government (and themselves so they can get reelected) and other countries and restrict our freedoms. We go from one crisis to another until they claim they need to have complete control over everything to keep us safe and happy.

I believe we have the technology to extract this energy in clean environmentally-friendly ways. I believe we should be drilling offshore and in ANWR. I realize this is not going to do much to the price of gas right now but it is a medium term solution that will influence energy prices in 10–30 years. A long-term solution is to start using more nuclear energy and developing ways to produce transportation fuels from additional resources such as coal or better electric storage devices or hydrogen etc. Suing OPEC sounds like a bullying technique. Why bite the hand that is currently feeding us? If we demonstrated we were serious about becoming more energy independent, I would bet the price of oil would drop fast in hopes that it would discourage us from doing so. What part of the simple economic principle of supply and demand do most politicians not get?

BILL, *Rexburg*.

This country has been on a gas-guzzling binge for fifty years. I am sick and tired of hearing people complain about the cost of gas, driving solo in their inefficient cars, and unwilling to carpool or contribute towards mass transit options.

We do not need to expand domestic petroleum production. We need to learn conservation and seek alternative energy sources. The ''God given right'' to tear up the landscape for oil and selfish use is at the heart of what is wrong with people and their mind-set on a global scale.

Wake up and smell the coffee.

Love and light,

PAMELA.

Thank you for the invitation to share my views on the energy situation. Although gas prices have increased significantly lately, I do not think times are as tough as the media portrays. My grandparents have experienced far worse times than this current period.

Nonetheless, this issue still requires action. I think the best thing Congress can do in the short term is to increase domestic production. This involves several things, specifically getting more refineries built and allowing for drilling in ANWR. I am also a supporter of getting shale oil production started in the US.

In the long term, Congress should provide tax credits for those willing to pursue alternative fuels. Nuclear and hydrogen seem like excellent options. I am not in favor of corn-based ethanol and believe it is an inefficient use of our resources.

Further, Congress has no basis for establishing a windfall profit tax on oil companies. This is inappropriate government intervention. The consequences would be felt and mostly paid for by consumers. This tax would not be a remedy but a hindrance in solving our situation. Please always oppose any legislation of this form.

Thank you for your time. And please act promptly!

JEFF.

Thank you for taking time to read our story. First, with gas prices on the rise, my husband gets grumpy and grumpier. That means less happiness in our home and our marriage. That is a very personal effect. Our children live in Logan, Utah; Nampa, Idaho; Kirksville, Missouri; and Cleveland, Ohio. High fuel costs mean seeing our family less often, which makes me grumpy. My husband and I miss our grandchildren and children quite a bit. Since we have a business and have to pay for delivery trucks, marketing vehicles and other business costs, such as continuing education, utilities, merchandise, etc.—higher fuel costs means lower profit margins. It would be nice to be able to drive tiny vehicles but the winters are so severe here in Southeastern Idaho, we feel safer in a four-wheel drive unit which, of course, costs more to run. Fuel prices affect the cost of everything we buy, such as food, clothing and shelter. I do believe they are necessary. I am working on my college degree so higher fuel costs make my education costs increase, such as delivery costs for books, teaching materials, etc. We do try to conserve by walking, running errands all at one time but if there is an emergency with any of our family or a business problem it means a greater expense to take care of an emergency.

I believe it is time to use what resources are available within the US. I know that conservationists would have us all using horse and buggies again but that is not practical. I believe that there is technology available that would allow us to coexist with wildlife and their habitats and still make use of the petroleum and natural gas deposits that are tied up by conservation laws. Since the ''gas embargo'' of the 1970s, I have been uncomfortable that our government has not moved forward to make this great land of ours energy independent.

I do worry about nuclear power since I lived through the Three Island Nuclear incident and Chernobyl. If the nuclear industry has improved, I would consider it. I believe in clean-burning coal, biofuel (as long as it does not raise food prices). I would like to see more refineries, more energy efficiency in all sectors of this nation. That would include business, government, homes, etc. There is so much that could be done; recycling (which in Southeastern Idaho is a joke), conservation, technical advances and so much more. It would be wonderful to truly see the government of this nation stop politicking and start working to address the energy problems of this nation. I am not sure I have all the answers but I do realize that human nature makes change hard. It would be great to see our government setting an example for the rest of the nation.

Again, thank you for reading this and asking our opinion.

LIISA, *Rexburg*.

I do not want anecdotes about how we are suffering, I want us to drill everywhere we have oil. Allow the development of the coal oil industry and tell the environmentalists and the democrats to stop trying to destroy this country. I do not want to live in a socialist or communist society and that is where we are heading.

Thanks for your time.

MIKE, *Naples*.

Thank you for asking for input:

My father is in an assisted living facility located 120 miles from where I live. 240 total miles / 15 miles per gallon = 16 gallons of gas × $4 = $64. Therefore I am unable to see my father as often as I like as I also have 2 college children and a single income for my household. We are not doing any traveling as everything right now costs too much money due to transportation costs. This, as I know you know, includes food. I moved to Meridian area from a small community where I had everything paid off, had it in budget to be able to pay off house; now I may have to work till I am 75. Anyhow thanks for listening to my rant, I would have replied sooner but am out working on the farm program.

ROB, *Meridian*.

My wife and I are on a fixed income and Medicare. We are not in bad health but still have a lot of doctor's appointments to keep us healthy. We have one car and buy one tank of gas every two weeks. We use our car mainly to do three things: go to church, buy

groceries once a week, and go to our doctors—all things to keep us spiritually and physically healthy. Now, with exploding gas prices, caused we feel mainly by the government's lack of action in the past and present, we are having to curtail. Let us see, now we can cut back on church to our spiritual detriment, and we can shop for groceries every other week and extend doctor's appointments to our physical detriment. What will we do in three months, six months, and beyond as gas prices continue to explode, driving up the cost of everything, while the government continues to talk with no action?

Okay, what should be done about the oil crisis? Release U.S. oil reserves immediately to both give relief and to sting those in the futures market that are reaping huge profits. With due consideration for the environment, lift the restrictions on drilling off our coasts and drilling in Alaska and other states. Start processing oil shale. As reparations, take half the oil produced in Iraq or at least get a price break on Iraqi oil. Open up the nuclear power industry. Put some sanity behind the development of alternate fuels. Give more than lip service to hybrid and electrical cars. Convince us that government cares about us once again.

JON, *Boise*.

We are a retired couple living on less than we use to make. Not only is gas costing us more than we can afford but now we are told that propane will not go down in price as it usually does in the summer. We only have propane for heating and, as you know, it gets cold in Eastern Idaho. To fill our tank, it takes more than $1000 for 500 gallons. Our car takes $50 each time we fill it with gasoline. We have a car that gets about 30 miles to the gallon. The price of bread milk and groceries are also getting higher.

I know you support the drill here, drill now, spend less and I thank you for that. But unless something is done to help the Americans, someone will have killed their golden goose—the American consumer in the lower and middle class. We are definitely driving less and conserving where we can but I hear how the liberals want to do away with the tax cuts instead of making them permanent. I am a conservative and I have had enough

DARREL.

First of all I want to thank you for making this forum available. I have lots to say but will try to be brief; you and your staff are busy. I am a flight attendant for Delta Air Lines based in NYC. I live in Horseshoe Bend area and fly to JFK to cross the pond to Europe, working the JFK-Europe flight. Last summer I was able to commute to JFK on the same day I reported to work. Delta is cutting back on flights out of Boise and, since I am an employee, I get on last. This summer it will be harder and harder for me to get to work because Delta is using a lot of regional jets with only 50 and 70 seats to save fuel/Delta flights have 144 seats. Delta is cutting SkyWest (carrier operating the regional jets) flights 15% nationwide. Like most people, I do not get paid until I get to work. I am giving up more of my days off to commute to my job in New York. I certainly hope we can resolve this crisis. I am hoping not only for USA sources for energy but hopeful research and development will be more successful in finding better sources than corn, a low cost food sorely needed in less prosperous countries. Thanks to you and your staff for a great job!

CHERI, *Horseshoe Bend*.

I would just like to state that as a result of the higher gas prices, I had to withdraw from the university I was attending, as I commuted half an hour 3 times a week for class. I am no longer enrolled in that college because I could not make the drive. I am a young college student, married and my husband and I just bought our first home. I had to quit attending school because we simply could not afford to put the gas in even my fuel-efficient Toyota Corolla.

TIFFANY, *Idaho Falls*.

You inquired as to the effect oil prices are having on residents of Idaho. The ones on fixed incomes are having their savings and way of live vanishing. I recently received an e-mail suggesting that our food supply should be geared to a barrel of oil and the profits returned to the American people and farmers. It mentioned that gasoline is eight cents a gallon in Saudi Arabia?

FRANK, *Caldwell*.

High fuel and food costs are hurting both young and old. While gas prices in Idaho are at or above the national average, our hourly wage remains low. Idahoans can no longer afford to travel more than a few miles to work as the daily cost of gasoline to commute from any rural area to the city (e.g. Nampa/Caldwell to Boise) makes the trip prohibitive. Consequently, I would like to make the following recommendations:

1. Immediately end the corn ethanol federal subsidy program that has increased the cost of our food. There is absolutely no merit to this program. It benefits farmers, but the majority of Idaho's citizens and businesses are not farm-related!

2. Prohibit refineries from exporting diesel fuel out of U.S. as they are doing now because they can make more money exporting it! Refineries are shifting production from gasoline to diesel fuel, but not for the benefit of the people of the United States.

RALPH, *Eagle*.

ADDITIONAL STATEMENTS

TRIBUTE TO JENNIFER ROTHSCHILD

• Mr. BOND. Mr. President, I wish today to honor Jennifer Rothschild, a fellow Missourian, who recently received the Foundation Fighting Blindness' Hope and Spirit Award. This award recognizes the people who inspire all of us because of their ability to see literally beyond their vision loss. The award honors the uniquely human qualities that advance the mission of the foundation, and ultimately, the betterment of society.

Jennifer Rothschild is a remarkable individual who inspires people to rise above their challenges, aspire for the extraordinary, and live life to the fullest just as she has done.

Jennifer lost her slight after being diagnosed with a rare, degenerative eye disease. Retinal degenerative diseases affect more than 10 million people in the United States alone, and millions more worldwide. This loss of vision was more than a turning point for Jennifer who had dreams of becoming a commercial artist and cartoonist. However, she soared above that challenge and found a new path.

Jennifer is now a mother, author, speaker, pianist and role model for all those who face challenges. She carries her story and message of encouragement across the country. In a ''Good Morning America'' interview for her latest of six books, Jennifer said ''If I chose to let blindness be my enemy I would be fighting it my whole life. Maybe this was God's way of giving me a really great gift in a really difficult package.'' It is that optimism and her amazing talent that inspired me the evening she received her Hope and Spirit Award.

I congratulate Jennifer on this latest achievement and look forward to her great work in the future.•

REMEMBERING MARY ELLEN ROZZELL

• Mr. MENENDEZ. Mr. President, today I honor Mary Ellen Rozzell, former President of the National Association of Professional Surplus Lines Offices, NAPSLO, who passed away unexpectedly on March 3, 2009, while attending a NAPSLO conference in Palm Springs, CA.

Mary Ellen was a respected, beloved leader. The president of Continental/Marmorstein & Malone Insurance Agency in Paramus, NJ, she began working in the insurance business with the Marmorstein Agency some 40 years ago. Mary Ellen served as president of New Jersey Surplus Lines Association, NJSLA, from 1989–1990, and was named as NJSLA 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 Juvenile Diabetes Foundation.

Her warmth, openness, honesty, and good nature made everyone who met her feel immediately comfortable. These qualities served her very well in life, with family and friends, and in her remarkable career where she rose through the ranks with 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 those close to her. She will be missed greatly by everyone she touched.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:14 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:04 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

At 3:24 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1388. An act to reauthorize and reform the national service laws.

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1216. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1388. An act to reauthorize and reform the national service laws.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, 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–981. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Regulations; Appeal Procedure'' (RIN0563–AC18) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–982. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Regulations; Submissions of Policies, Provisions of Policies, Rates of Premium and Premium Reduction Plans'' (RIN0563–AC20) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–983. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Cabbage Crop Insurance Provisions'' (RIN0563–AB99) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–984. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the determination and findings for authority to award a single source task or delivery order contract; to the Committee on Armed Services.

EC–985. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the intent to initiate a public-private competition for environmental services and pest management functions being performed by ninety-four Department of Defense civilian employees located in Norfolk, Virginia; to the Committee on Armed Services.

EC–986. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the intent to initiate a public-private competition for base support, vehicle operations, and equipment functions being performed by three hundred ninety Department of Defense civilian employees located in various locations throughout the Mid-Atlantic region; to the Committee on Armed Services.

EC–987. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James J. Lovelace, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–988. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (2) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–989. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: BE–15, Annual Survey of Foreign Direct Investment in the United States'' (RIN0691–AA65) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–990. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated by Reference'' (FRL–8774–8) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC–991. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Stationary Combustion Turbines'' (FRL–8784–4) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC–992. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities and Renovation Contractors'' (FRL–8404–2) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC–993. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I—Industry Director Directive on Domestic Production Deduction (DPD) #3—Field Directive related to compensation expenses currently deducted but attributable to prior periods'' (LMSB–04–0209–004) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Finance.

EC–994. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Latin America and the Caribbean, received in the Office of the President of the Senate on March 16, 2009; to the Committee on Foreign Relations.

EC–995. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Democracy, Conflict & Humanitarian Assistance, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–996. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Africa, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–997. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Legislative and Public Affairs, received in the Office of the President of the Senate on

March 19, 2009; to the Committee on Foreign Relations.

EC–998. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Global Health, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–999. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Asia, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–1000. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Europe and Eurasia, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–1001. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Middle East, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC–1002. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–1003. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–1004. A communication from the Acting Chair, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the acquisitions made by the agency during fiscal year 2008 from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–1005. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Federal Procurement of Energy Efficient Products'' (RIN1904–AB68) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1006. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2008''; to the Committee on the Judiciary.

EC–1007. A communication from the Secretary, Judicial Conference of the United States, transmitting, a legislative proposal relative to North Dakota Judicial District Divisional Adjustment; to the Committee on the Judiciary.

EC–1008. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''The Dr. James Allen Veteran Vision Equity Act of 2007'' (RIN2900–AN03) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Veterans' Affairs.

EC–1009. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Termination of Phase-In Period for Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation Based on a VA Determination of Individual Unemployability'' (RIN2900–AN19) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–11. A resolution approved by the Westchester County, New York Board of Legislators urging Congress to establish a National Clean and Safe Water Trust fund to provide regular infrastructure funding; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 11

Whereas, many of our nation's water pipes and sewers were installed in the early part of the 20th century, some as far back as the Civil War; and

Whereas, as water systems age and population grows, more and more leaks develop and sewage overflows into our streams, rivers, lakes and ocean, creating serious public health hazards; and

Whereas, many communities do not even have sanitary sewer systems and are forced to rely on failing individual septic systems; and

Whereas, public health agencies issued more than 20,000 warnings against swimming at beaches on U.S. coasts in 2005, and a majority of beach closings are due to sewage overflows and malfunctioning sewage plants; and

Whereas, the Environmental Protection Agency's 2000 Progress in Water Quality Report finds that America could experience stream impairments that predate achievement of secondary treatment standards by 2016 if improvements are not made; and

Whereas, the Water Infrastructure Network, the Environmental Protection Agency, and other government agencies report that the cost of presently known wastewater infrastructure construction needs total between $300 billion and $450 billion; and

Whereas, the federal government has cut the main source of funding for clean water year after year; and

Whereas, the National Research Council recently warned that more water-borne disease outbreaks will occur if substantial investments are not made to improve our water pipes and systems; and

Whereas, the President has called for a comprehensive economic recovery package to assist state and local governments in meeting infrastructure needs while stimulating the economy and creating jobs; and

Whereas, there are federal trust funds for other major national investment needs like highways and airports, yet the federal government has yet to establish a trust fund to protect something all people need to survive: water; Now therefore be it.

Resolved, That the Westchester County Board of Legislators, requests that the incoming Administration prioritize funding for water filtration and distribution and wastewater and stormwater infrastructure in any economic stimulus package; and be it further

Resolved, That the Westchester County Board of Legislators, urges Congress to establish a National Clean and Safe Water Trust Fund to provide regular infrastructure funding; and be it further

Resolved, That the Clerk of the Board forward a copy of this Resolution to President Barack Obama, Vice President Joseph Biden, New York State Governor David Paterson, United States Senators Charles Schumer and Hillary Rodham Clinton, and United States Representatives Eliot Engel, Nita Lowey, and John Hall, so that the intent of this Honorable Board be widely known.

POM–12. A resolution adopted by the City of Pembroke Pines, Florida supporting the passage and adoption of an amendment to the Federal regulations allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations; to the Committee on Finance.

RESOLUTION NO. 3214

Whereas, in recent years the City of Pembroke Pines, Florida (hereinafter referred to as the ''City'') has issued bonds to help fund its pension obligations; and

Whereas, under the current federal regulatory scheme, such bonds are taxable, which results in a higher cost to the City than if they were tax exempt; and

Whereas, the City incurs an additional cost of approximately twenty-five percent (25%) as a result of issuing taxable bonds rather than tax-exempt bonds; and

Whereas, allowing for a tax-exemption for the issuance of bonds to fund its pension obligations will result in significant savings to the City, and its taxpayers, particularly at a time when the financial stability of cities and counties throughout the State of Florida, as well as the U.S. economy as a whole, is in a period of uncertainty; and

Whereas, the City Commission deems it to be in the best interests of the citizens and residents of the City to support an amendment to the federal regulations, as well as any other regulations on the State level, allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations. Now, therefore, be it

Resolved by the City Commission of the city of Pembroke Pines, Florida, That:

Section 1. The foregoing ''Whereas'' clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission of the City of Pembroke Pines, Florida hereby supports an amendment to the federal regulations allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations.

Section 3. All resolutions or parts of resolutions on in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Gary Locke, of Washington, to be Secretary of Commerce.

By Mr. LEAHY for the Committee on the Judiciary.

Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. COCHRAN, and Mr. KAUFMAN):

S. 638. A bill to provide grants to promote financial and economic literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. MERKLEY, and Mr. COBURN):

S. 639. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself and Mr. LIEBERMAN):

S. 640. A bill to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures; to the Committee on the Budget.

By Mr. GRASSLEY:

S. 641. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. MERKLEY, Mr. BYRD, Mr. DORGAN, Mr. WYDEN, and Mr. LUGAR):

S. 642. A bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself, Mr. BROWN, and Ms. KLOBUCHAR):

S. 643. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. DORGAN, Mrs. LINCOLN, Mr. ISAKSON, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. PRYOR, Mr. JOHNSON, Mr. SCHUMER, Mr. ROBERTS, and Mr. INHOFE):

S. 644. A bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, and Ms. LANDRIEU):

S. 645. A bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program; to the Committee on Armed Services.

By Mr. BURR (for himself, Mr. ALEXANDER, Mr. ROBERTS, Mr. DODD, and Mr. COBURN):

S. 646. A bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 647. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. SANDERS):

S. 648. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER):

S. 649. A bill to require an inventory of radio spectrum bands managed by the national telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 650. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. WYDEN, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Ms. STABENOW, Mr. SCHUMER, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. BINGAMAN, and Ms. CANTWELL):

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes; read the first time.

By Mrs. MURRAY:

S. 652. A bill to authorize the Secretary of Health and Human Services to make grants to community health coalitions to assist in the development of integrated health care delivery, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 653. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 654. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Finance.

By Mr. JOHNSON (for himself, Ms. STABENOW, Mr. TESTER, and Mr. THUNE):

S. 655. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Ms. KLOBUCHAR, and Mr. KENNEDY):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, and Mr. DURBIN):

S. 657. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. TESTER:

S. 658. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER:

S. 659. A bill to improve the teaching and learning of American history and civics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. DODD):

S. 660. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BAYH, Mr. BROWN, and Mr. PRYOR):

S. 661. A bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Ms. COLLINS, Mr. WYDEN, Mr. SCHUMER, Mr. KERRY, Ms. KLOBUCHAR, and Mrs. BOXER):

S. 662. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DURBIN, Mr. WHITEHOUSE, Mr. INHOFE, Mr. WYDEN, Mr. CARDIN, Mr. KERRY, Ms. MURKOWSKI, Mr. SPECTER, Mrs. MURRAY, Ms. COLLINS, Ms. STABENOW, Mr. ROBERTS, and Mr. COCHRAN):

S. 663. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. MARTINEZ, Mr. RISCH, Mr. HATCH, Mr. ENZI, and Mr. BARRASSO):

S. Res. 79. A resolution honoring the life of Paul M. Weyrich and expressing the condolences of the Senate on his passing; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. Res. 80. A resolution designating the week beginning March 15, 2009, as ''National Safe Place Week''; considered and agreed to.

By Ms. COLLINS (for herself, Mr. CARDIN, Ms. SNOWE, Mr. RISCH, Ms. MIKULSKI, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BINGAMAN, Mr. SCHUMER, Mr. SANDERS, Mr. BAYH, Mr. BENNETT, Mr. CASEY, Ms. LANDRIEU, Mr. KYL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SHELBY, Mrs. MURRAY, Mr. BARRASSO, Ms. MURKOWSKI, Mr. ROBERTS, Mr. BROWN, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. CANTWELL, Mr. ALEXANDER, Mr. WICKER, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. MCCONNELL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORKER, and Mr. BURR):

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Ant-Semitism, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 205

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 205, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 277

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 277, supra.

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 277, supra.

S. 353

At the request of Mr. BROWN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 391

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 431

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 431, a bill to establish the Temporary Economic Recovery Adjustment Panel to curb excessive executive compensation at firms receiving emergency economic assistance.

S. 456

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 457

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 487

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 543

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 571

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of 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.

S. 581

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 589

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 589, a bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 611

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 623, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 636

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. RES. 49

At the request of Mr. LUGAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. COCHRAN, and Mr. KAUFMAN):

S. 638. A bill to provide grants to promote financial and economic literacy; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, there are a number of factors that caused the economic recession we are faced with today. All of us know that.

We can blame executives on Wall Street, who made reckless choices and ignored long-term consequences to make a quick profit.

We can blame the financial industry regulators, whose lax oversight failed to see the potential risks posed by the new, complex financial products that Wall Street was selling, and we can point a finger at those in the mortgage industry, who ignored that all bubbles eventually burst and that—in the case of housing bubble—the American taxpayers would be left to clean up the mess.

But we also need to look a little closer to home as well. The reality is that one of the contributing causes of this recession is the fact that too many Americans made poor and very often uninformed financial choices when they bought homes in the last several years.

Too many overestimated their own resources, didn't read the fine print, and didn't grasp the terms of their mortgages before signing on the dotted line.

In fact, we need to recognize that too many Americans, from college students to senior citizens, are financially illiterate.

The problem is not limited to mortgage holders. Too many Americans don't know how to budget their household expenses, manage their credit card debt, or even pay their bills on time.

We need to ensure that we don't get into this situation again, by giving all Americans the skills to make sound financial decisions.

We used to say the 3 R's of school are reading, writing, and arithmetic. Well, I think we need to add a fourth R—resource management.

That is why today I am introducing legislation that will help ensure that all Americans get the skills they need to make financial decisions that will protect them and their families.

The Financial and Economic Literacy Improvement Act of 2009 will require the Federal Government to step to the plate and become a real partner in helping Americans manage their finances and make good decisions about housing, employment, and education.

This bipartisan bill, which is cosponsored by Senator COCHRAN, is aimed at helping people of all ages. Our goal is to ensure that high school and college students know the pitfalls of signing up for credit cards and can make informed decisions about student loans.

All young people understand the importance of saving and making smart decisions to ensure a comfortable and dignified retirement and, most important, that we are taking steps to ensure we do not repeat the misguided and uninformed decisions that have contributed to the recession that we find ourselves in today.

Under our bill, the Federal Government will become a strong supporter of making financial literacy education a core part of K–12 education.

I believe that focusing this effort on young people is critical for two reasons:

One, if we are going to avoid another crisis such as this one, we must begin by teaching the next generation to make smart financial decisions; two, because all signs point to another generation that is coming of age already saddled with debt, and we need to help them before it is too late.

This past Sunday, this article ran on the front page of the Olympian newspaper from my State of Washington. I ask unanimous consent to have this article printed in the RECORD.

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

[From the Olympian, Mar. 15, 2009]

TEENS AWASH IN CREDIT CARD DEBT

(By Les Blumenthal)

The numbers are startling. More than half of all high school seniors have debit cards and nearly one-third have credit cards.

One-third of college students have four credit cards apiece when they graduate, and more than half of graduates have piled up $5,000 each in high-interest debt. The number of 18- to 24-year-olds who have declared bankruptcy has increased 96 percent in 10 years.

Surveys show that many of these young people also are financially illiterate: They don't understand such things as interest, minimum payments, credit reports, identity theft or that they might be paying off their school loans for years.

The problem isn't just with the young, however. One in five Americans thinks that the most practical way to become rich is to win the lottery.

Sen. Patty Murray, D-Wash., remembers that her kids started receiving credit card applications when they were 16. She said that she repeatedly heard from people, young and old, who wished they knew more about financial matters.

Murray will introduce legislation this week that would authorize $1.2 billion in grants over five years to promote financial-literacy education beginning in grade school and stretching into adulthood.

''It's a perfect time to be doing this,'' Murray said.

Ben Bernanke, the chairman of the Federal Reserve, agrees.

''In light of the problems that have arisen in the subprime mortgage market, we are reminded how critically important it is for individuals to become financially literate at an early age so they are better prepared to make decisions and navigate an increasingly complex financial marketplace,'' he said nearly a year ago.

Kerry Eickmeyer, 17, a senior at Richland High School in Richland gave up her debit card after about a year when she kept overdrawing her account.

''My mother was getting frustrated,'' she said.

She and other students at Richland High must take a class in consumer economics before they can graduate. Eickmeyer said she received credit card offers all the time and shredded them.

''I don't need 10 credit cards,'' she said.

Jesus Pedraza, 19, wished he'd been prepared to handle his personal finances when he entered Washington's Tacoma Community College, even though he doesn't have a credit card.

''I thought I was ready, but money is running out faster than I thought,'' Pedraza said.

As part of its Human Development 101 class for freshman, Tacoma Community College devotes a section to personal finance. Students track their weekly spending and learn about credit cards, minimum payments, savings plans and investments. James Mendoza, who teaches the class, said he focused on the nuts and bolts of finance.

''We don't expect them to be Warren Buffett, George Soros or any of the big dogs,'' Mendoza said. ''But they need to understand whether a venti mocha is a need or a want.''

In the past five years, 17 states added personal finance requirements to their curricula. Last year, former President George W. Bush appointed an Advisory Council on Financial Literacy to work with the private and public sectors to promote financial education. The council is part of the Treasury Department. Its members range from the chairman of Charles Schwab to the leader of Junior Achievement USA.

Murray's bill, co-sponsored by Sen. Thad Cochran, R-Miss., would provide grants to state education agencies that agreed to establish financial literacy standards and assess how well students were doing in elementary, middle and high school. Nonprofit organizations also would be eligible for grants. In addition, grants would be available to community and four-year colleges to offer financial literacy classes for their students and for older adults.

In addition to financial literacy classes offered by school districts, Junior Achievement operates programs in many districts. About 4.5 million young people participate in Junior Achievement programs nationwide.

Other programs also are operating in the schools. Founded by a bankruptcy judge in New York, the Credit Abuse Resistance Education program sends bankruptcy judges around the country to high schools to talk about personal finances.

Pat Williams, a bankruptcy Judge in Spokane, said that when she walked into a class of 25 or so 10th- or 11th-graders, it wasn't hard for her to spot the five that would end up in bankruptcy in three years.

''They are dealing with so much—cell phones, car insurance, credit cards, debit cards,'' she said. ''It was stunning to them to learn there were late charges on a credit card bill.''

High school and college students can end up paying for their lack of financial knowledge, said Pam Whalley, the director of the Center for Economic Education at Western Washington University. One survey of high school students found that they expected to earn an average of $143,000 a year and were confident they could handle the money but that few knew how to do a budget. College students know little about savings, insurance and retirement, and are lured to credit card deals too easily, she said.

''College kids will do anything for a T-shirt,'' Whalley said.

In the middle of a recession, she said, educating students about financial matters is crucial.

''If you make a mistake during a recession, you have less to fall back on,'' she said. ''If you make a mistake when your job isn't safe, you could lose your house or your car. When you have financial literacy, you have more control over your life.''

Mrs. MURRAY. Mr. President, the article discusses the legislation I am introducing today. It also talks about the financial path that the next generation is currently on. The article pointed out that, right now, one-third of our college students have four credit cards when they graduate. More than half of our graduates have piled up $5,000 each in high interest debt. The number of 18 to 24-year-olds who have declared bankruptcy has almost doubled in 10 years.

That article also points out that many of our young people are financially illiterate. They understand very little about concepts such as interest or minimum payments or credit reports and the financial reality of having to pay off their student loans for years to come.

Today, with many of our schools struggling to pay teachers and maintain their current programs, a lot of our State and local governments cannot afford to ramp up financial literacy education right now. That is exactly where I believe the Federal Government needs to step up. We cannot afford for our young people to not understand their own finances.

Our bill will authorize $125 million annually to go to State and local education agencies and their partnerships with organizations experienced in providing high-quality financial literacy and economic instruction.

This funding we will provide will help make financial and economic literacy a part of core academic classes, develop financial literacy standards and testing benchmarks, and provide critical teacher training.

This bill will also help schools weave financial concepts into basic classes, such as math and social studies.

Importantly, this training will not end in high school. Our bill makes the same $125 million investment in teaching financial literacy in our 2- and 4-year colleges.

That is critical. My constituents often write or tell me about the financial trouble they are struggling with. A lot of them are very desperate for help. They got into situations they didn't understand, and they don't have the resources to fix.

For example, one woman from Olympia, who put off credit card bills to pay her mortgage, wrote to me and said:

> I am educated, but was unaware that by being late on a payment or by skipping a payment and trying to make it up, my interest rate could skyrocket to over 26 percent, and late fees could be exponential.

Whether it is skyrocketing interest rates or credit cards or an adjustable rate mortgage that somebody can no longer afford or a retirement plan that they don't understand, I often hear the same thing from people: I wish someone had taught this to me in high school.

This bill we are introducing ensures that we are teaching it in our schools, and it will help people learn the basic skills that will give them a leg up when they are dealing with their bankers.

This crisis we are in cost us dearly. Every weekend when I go home I hear about another business that is closing or another family who cannot pay their bills. But we know if we make changes and smart investments, we can move our country forward. I believe this is one of those smart investments. In January, after President Obama took office, he called for an era of personal responsibility. I believe our bill helps Americans to usher in that era.

I encourage my colleagues to take a look at the bill and cosponsor it and help us move it forward so we can make sure that we have a financially literate country.

Mr. GRASSLEY:

S. 641. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I remain very concerned about the continuing prevalence of performance-enhancing drugs in sports. The ongoing reports of the vast use of performance-enhancing drugs in professional sports, especially Major League Baseball, illustrate the presence of a disturbing culture throughout all sports. It is becoming all too common to read not only about professional athletes using performance-enhancing drugs, but also college and high school athletes turning to these substances to gain a competitive edge. Although Congress passed the Anabolic Steroid Control Act to disrupt this cycle of abuse in 2004, we cannot relent in our efforts to keep performance-enhancing drugs out of our society and away from our children.

The dietary supplement, Dehydroepiandrosterone, DHEA, is readily

available online and on the shelves of nutritional stores, but can be used as a performance-enhancing substance. In response to the growing use of performance-enhancing drugs in professional sports, Congress passed the Anabolic Steroid Control Act in 2004. When this bill was being considered, DHEA was among 23 anabolic steroids that are now schedule III controlled substances. Some of my colleagues objected to DHEA being included on this list, because they believed DHEA was harmless and did not have the same anabolic effects as the other steroids on the list. DHEA was subsequently removed from the bill, but the facts do not back up the claims that DHEA is not a performance-enhancing drug or harmless.

According to the U.S. Anti-Doping Agency, DHEA is a pre-cursor hormone to androstenedione and testosterone. These substances became illegal anabolic steroids as a result of the Anabolic Steroid Control Act of 2004. Although the body naturally produces DHEA, the natural production of the hormone ceases around the age of 35. Many people over this age use DHEA, in low doses, as part of an ''anti-aging'' regimen. However, when taken in high doses over time, DHEA, like its other relatives in the steroid family, may cause liver damage and cancer. In fact, one study conducted by scientists at Oxford University revealed DHEA use to be strongly associated with breast cancer development. The truth is there are few studies about the long term effects DHEA has on the body. According to Dr. F. Clark Holmes, Director of Sports Medicine at Georgetown University, many proposed studies involving high doses of DHEA are denied approval out of concern that the product may cause irreversible harm to human subjects. Because DHEA is marketed as a dietary supplement, companies are not required to prove their safety to the Food and Drug Administration. However, nearly all the professional sports leagues, the Olympics and the NCAA have banned their athletes from using it for good reason.

What is even more disturbing is the fact that DHEA is being marketed online to younger athletes. One bodybuilding website, directed towards teenagers, features a teen bodybuilder of the week to promote performance-enhancing supplements. A 19-year-old Junior National Champion bodybuilder is one of the bodybuilders on this website. When asked what supplement gave him the greatest gains for his competition this teenager replied, ''DHEA.'' In another website, DHEA is advertized as follows, ''If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual.'' Another example on another website describes DHEA in this way, ''DHEA is HOT, and you will see why. As a precursor hormone, it leads to the production of other hormones. When this compound is supplemented, it has shown to have awesome effects.'' These advertisements are geared to the younger crowd, even though DHEA has no legitimate use for teenagers.

These DHEA advertisements, and others like it, are having some impact on young athletes, especially in my state of Iowa. The Iowa Orthopaedic Journal published a study on nutritional supplement use in 20 Northwest Iowa high schools. In this study, 495 male football players and 407 female volleyball players were asked if they used nutritional supplements. The results of this anonymous survey revealed that 8 percent of football players and 2 percent of Volleyball players used supplements. These students identified DHEA as one of the supplements that they used. The students were then asked to give the reason why they used DHEA and the general response was ''for performance enhancement.''

We have to find a way to keep young people from using a substance that can do them harm. Three states currently prohibit the sale of DHEA to minors. There are also various supplement stores like GNC and Walgreens that have policies in place that prohibit the sale of DHEA to anyone under 18. If we cannot place DHEA behind the counter, then we should at least make it difficult for teens to walk out of a store with a potentially harmful substance in hand. This is why I'm pleased to introduce the DHEA Abuse Reduction Act of 2009. This bill will place a nationwide restriction on the sale of DHEA for those under 18 years of age. It will also allow those who use DHEA, legitimately, to not have to obtain a prescription to do so. The Coalition for Anabolic Steroid Precursor and Ephedra Regulation, which is comprised of the Nation's leading medical, public health and sports organizations support this legislation. The U.S. Anti-Doping Agency also supports this legislation to keep DHEA away from our children. I urge my colleagues to pass this legislation.

In the highly competitive world of sports, the pressure to use performance-enhancing drugs can be overwhelming. Even though we, as a society, demand excellence from our favorite teams and athletes, we cannot accept this excellence to be falsely aided by a drug. Furthermore, we cannot allow harmful drugs to destroy the health of so many young and promising athletes. We have to continue to curb the use of performance-enhancing drugs for the health of our country and children.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 647. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Nursing Home Transparency and Improvement Act of 2009.

My colleague, Senator GRASSLEY, and I have worked on this legislation together. He is on the floor now and will speak of the bill when I finish my comments.

As chairman of the Special Committee on Aging, the quality of care that is provided to nursing home residents is of great concern to me, and I am proud to introduce this bill with Senator GRASSLEY today.

I have worked with Senator GRASSLEY on nursing home policy for several years. We have commissioned GAO reports, sought input from both industry and reform advocates, and collaborated with the executive branch on various initiatives. This work has generated some positive results, such as the government's new five-star nursing home rating system.

But we must do more. We believe the bill we introduce today will raise the bar for nursing home quality and oversight nationwide, by strengthening the Federal Government's ability to monitor and advance the level of care provided in nursing domes. for up to five minutes.

First, our bill would give the Government better tools for enforcing high quality standards. For instance, nursing homes would be required to disclose information about all the principal business partners who play a role in the financing and management of the facility, so that the Government can hold them accountable in the case of poor care or neglect. It would also create a national independent monitor pilot program to tackle tough quality and safety issues that must be addressed at the level of corporate management.

Second, our bill would give consumers more information about individual nursing homes and their track record of care. Our bill would grant consumers access to a facility's most recent health and safety report online, and would develop a simple, standardized online complaint form for residents and their families to ensure that their concerns are addressed swiftly. And it would require the Government to collect staffing information from nursing homes on a real-time basis, and make this information available to the public.

Finally, our bill would encourage homes to improve on their own. Under this legislation, facilities would develop compliance and ethics programs to decrease the risk of financial fraud, and quality assurance standards to internally monitor the quality of care provided to residents. We also authorize funds for a national demonstration project on ''culture change,'' a new management style in nursing home care that rethinks relationships between management and frontline workers by empowering nursing aides to take charge of the personalized care of

residents. Finally, our bill makes an investment in nursing home staff by offering training on how to handle residents with dementia.

Twenty-two years have passed since Congress last addressed the safety and quality of America's nursing homes in a comprehensive way. As we prepare to debate reforms across our health care system, there has never been a better time to implement these critical improvements to our nation's system of nursing homes. We ask our colleagues for their support.

Madam President, I turn now to Senator GRASSLEY, with whom I worked diligently with a great effort and with tremendous results. He is a man I have enjoyed working with across the aisle now for many years. He is a high-quality guy. It is in that respect and with that regard that I turn to him now.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I thank the Senator for his kind words. I have had an opportunity to work with him not only on legislation of this type but a lot of other pieces of legislation, and I enjoy working with him because he is a person of great common sense. I thank him for his leadership in this area, and, more importantly, I thank him for serving in the outstanding position as chairman of the Special Committee on Aging, with a lot of responsibilities in the area of making sure aging problems are brought to the forefront.

This legislation we are introducing is called the Nursing Home Transparency and Improvement Act. It brings to the surface some very important issues he is watching as chairman of the Aging Committee. I have some interaction with it because I am a member of the Finance Committee.

This is a critical piece of legislation that brings overdue transparency to consumers regarding nursing home quality and operations. It also provides long needed improvements to our enforcement system.

In America today, there are well over 1.7 million elderly and disabled individuals in over 17,000 nursing home facilities. As the baby boom generation enters retirement, this number is going to rise dramatically. While many people are using alternatives, such as community-based care, nursing homes are going to remain a critical option for elderly and disabled populations.

As the ranking member of the Senate Finance Committee, I have a longstanding commitment to ensuring that nursing home residents receive the safe and quality care we expect for our loved ones. Why? Because the taxpayers put in tens of billions of dollars—I would imagine over $47 billion or $48 billion now, and maybe that figure is higher than the last time I looked, but it is billions of dollars. Our Aging Committee and all of Congress have a special responsibility to make sure that money is spent well, and one way of spending it well is to make sure it delivers quality care to these people who are in need.

Unfortunately, as in many areas, with nursing homes, a few bad apples often spoil the barrel. Too many Americans receive poor care, often in a subset of nursing homes. Unfortunately, this subset of chronic offenders stays in business, often keeping their poor track records hidden from the public at large and often facing little or no oversight or enforcement from the Federal Government, based on laws that were passed in 1986 and 1987.

There is a lack of transparency, a lack of accountability, and sometimes in our approach to nursing homes, quite simply, a lack of common sense—the sort of common sense the Senator from Wisconsin always exhibits in the legislative approach. These are things this legislation seeks to bring to nursing homes and their residents—transparency, accountability, and common sense.

Let's look at transparency. In the market for nursing home care, as in all markets, consumers must often have adequate information to make informed choices. For years, people looking at a nursing home for themselves or their loved ones had no way of knowing a nursing home facility's record of care, inspection history, or which individuals were ultimately responsible for caring for their loved ones.

This bill is intended to change that and to emphasize this point about why we have to be concerned about the type of facility in which a person is placed.

I have never once in my life run into a single elderly or disabled person who said to me: I am dying to get into a nursing home. This is on the continuum care, the stop where people cannot be taken care of beforehand. We need to make sure that is right.

This legislation requires nursing facilities to make available ownership information, including the individuals and entities that are ultimately responsible for a home's operation and management.

Today when I am discussing this bill with people in the industry, I don't have anybody objecting who actually owns a nursing home. But early on, that seemed to be something that, for some reason or another, did not seem to be anybody's business. Tell me it isn't anybody's business who owns a nursing home if they are receiving $45 billion to $50 billion of taxpayer money going to that industry. That ownership is very important.

How nursing homes are staffed can greatly affect the care they provide, especially when dealing with complex conditions, such as nursing homes. So you go behind who owns a nursing home, who is working there, and that is pretty important. If you do not have all this information, it leaves residents and their families without clear information about who is ultimately responsible for ensuring that a resident is consistently provided with high-quality care.

This provides transparency, as well, concerning nursing home staffing and surveys. Homes differ widely in terms of the number of specialized staff available to residents, as well as the number of registered nurses and certified nursing assistants who provide much hands-on care.

Let me say it a second time. How a nursing home is staffed can greatly affect the care it provides, especially when dealing with complex cases. This legislation requires better tracking of this information and requires that this information is available to prospective residents and their families.

In addition, this legislation will help families have a better idea of a nursing home's track record in that it requires better transparency for nursing home inspection reports that are completed on a routine basis.

The Secretary will also now be required to provide consumers with a summary of information on enforcement actions taken against a facility during the previous 3 years.

This same transparency will also provide additional market incentives for poor homes to improve. If customers know about problems, that home is incentivized to improve or face going out of business.

This effort also requires a strong, effective enforcement and monitoring system to ensure safe and quality care at facilities that will not take the necessary steps voluntarily. But even with improved transparency, there are some nursing homes that will not improve on their own.

In the nursing home industry, most homes provide quality care on a very consistent basis. So we need to give inspectors better enforcement tools.

The current system provides incentives to correct problems only temporarily and allows homes to avoid regulatory sanctions while continuing to deliver substandard care to residents. This system must be fixed.

Last year, CMS requested two things: one, statutory authority to collect civil monetary penalties sooner, and, two, the ability to hold those penalties in escrow pending appeal.

To that end, this bill requires nursing homes that have been found in violation of law be given the opportunity to participate in an independent, informal dispute resolution process within 30 days. After that point, depending on the outcome of the appeal, the penalties are collected and held in escrow pending the exhaustion of the appeals process. This will ensure that nursing homes found to be violating the rules actually pay the penalties assessed if it is determined those penalties are appropriate. But we should not have to resort to enforcement. Problems resulting in penalties should be avoided or detected and fixed immediately by the nursing home in the first place. That is why this bill now requires all nursing homes to have compliance and ethics programs, as well as quality assurance and performance improvement programs.

In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems.

This legislation requires the Secretary of HHS to establish a national independent monitoring program to tackle problems specific to interstate and large intrastate nursing chains.

In the case of nursing homes being closed due to poor safety or quality of care, this bill requires that residents and their representatives be given sufficient notice so they can adequately plan a transfer to an appropriate setting.

We need to be very sensitive—and I am very sensitive—to the fact that nursing home residents are often elderly and fragile. Moving them into a new facility is traumatic. So we have to make sure these residents are transferred appropriately and with adequate time and care.

This bill also aims to help nursing homes that self-report their concerns and remedy certain deficiencies, giving those homes that are trying to do their best and find things wrong on their own to get credit for that. By doing so, nursing homes then may have any penalties reduced by 50 percent. This will encourage facilities to take the lead in finding, flagging, and fixing violations.

This bill is also intended to strengthen training requirements for nursing staff by including dementia and abuse prevention training as part of pre-employment.

I am proud to introduce this bill along with my friend Senator KOHL. The Committee on Aging and I have a long history of working together on elderly care issues, and I am happy to continue that work.

I also note today the Government Accountability Office is releasing a report critical of CMS's funding of State oversight entities, such as nursing homes. This report notes that survey activity is sometimes so unreliable that certain homes have not even been inspected in more than 6 years. The report makes a number of recommendations to CMS, and I will be looking very carefully at how CMS follows those recommendations. In the meantime, it is important that we improve transparency and accountability for the inspections that are taking place.

We will continue to do everything we can to make sure that American nursing home residents receive the safe and quality care they deserve. Increasing transparency, improving enforcement tools, strengthening training requirements will go a long way toward achieving that goal. I thank, once again, Senator KOHL.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. SANDERS):

S. 648. a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. president, I rise today with Senators Snowe and Sanders to introduce the Medicare Access to Community Health Centers, MATCH, Act of 2009.

This legislation addresses a long standing payment issue experienced by a key component of our Nation's health care safety net, community health centers. These centers provide high quality, comprehensive care and serve as the medical home to 18 millions individuals. Over one million of those patients are medicare beneficiaries.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to Rural Health Clinics. CMS applied the cap to FQHCs without much data support and with the promise of future reviews to guarantee that Health Centers were adequately reimbursed. However, these reviews have not taken place. Currently, over 75 percent of health centers are losing money serving Medicare beneficiaries, with losses totaling over $50 million annually according to an analysis done by the National Association of Community Health Centers, NACHC. In my home State of New Mexico, NACHC estimates that health centers lose more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the medicare payment mechanism for FQHCs. The MATCH Act will establish a Prospective Payment System for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent—providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 648

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Access to Community Health Centers (MATCH) Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

''(3) The term 'Federally qualified health center services' means—

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

''(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act, when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a

physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center.''.

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting ''Federally qualified health center services,'' after ''qualified psychologist services,''.

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2010.

SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

''(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

''(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2010, during the center's fiscal year that ends in 2010, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2008 and 2009 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2008 and 2009 and applying the average of such cost for a center's fiscal year ending during fiscal year 2010, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

''(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2011 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

''(I) increased for a center's fiscal year ending during 2011 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2011 and increased for a center's fiscal year ending during 2012 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as developed and promulgated through regulations by the Secretary; and

''(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

''(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2009—

''(I) for the first such center's fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center's fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866 (a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(II) for each succeeding center's fiscal year, the amount calculated in accordance with clause (ii); and

''(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of a MA private fee for service plan, without such written agreement) the amount (if any) by which—

''(I) the amount of payment that would have otherwise been provided under clause (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

''(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2010.

Ms. SNOWE. Mr. President, I rise today to join Senator BINGAMAN to introduce legislation to rectify a long standing problem for community health centers and the millions of Americans who depend on them for primary care access. Health centers serve as the medical home for over 18 million underserved patients. Annually, over 1.2 million of those patients are Medicare beneficiaries and 8.5 million patients are living below the Federal poverty level. Health centers are known for providing high quality, comprehensive care to some of our nation's most vulnerable populations.

Over 17 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Therefore, Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The Centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to rural health clinics. CMS applied the cap to FQHCs with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, CMS has failed to update payments.

Today, the majority of health centers are losing money serving Medicare beneficiaries, causing them to use their Federal grant dollars, intended for care for the uninsured, to supplement Medicare payments. These losses exceed $50 million annually according to an analysis completed by the National Association of Community Health Centers.

We have repeatedly requested that CMS review this antiquated payment structure with little success. So I rise today again with Senator BINGAMAN to see that FQHCs receive payment for services they provide. This bill will establish a prospective payment system for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC prospective payment system. By reforming the payment structure at FQHCs, we will ensure that health centers are able to dedicate their Federal grant dollars for their originally intended purpose—providing care to the uninsured.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to make certain that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER):

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KERRY, to introduce legislation that initiates the first step toward comprehensive spectrum policy reform, which is long overdue and paramount to achieving the long-term telecommunications needs of this nation. In addressing comprehensive spectrum reform, the first thing we must do is to have a clear understanding of how the spectrum is currently being utilized, which is called for by the Radio Spectrum Inventory Act.

Specifically, the Radio Spectrum Inventory Act directs the National Telecommunications and Information Administration and the Federal Communications Commission, with assistance from the Office of Science and Technology, to create a comprehensive and accurate inventory of each spectrum band between 300 Megahertz to 3.5 Gigahertz. The information collected would include the licenses assigned in that band, the number and type of end-user devices deployed, the amount of deployed infrastructure, as well as any relevant unlicensed end user devices operating in the band. This information is fundamental to constructing a comprehensive framework for spectrum policy.

The Radio Spectrum Inventory Act also provides more transparency related to spectrum use by creating a centralized website or portal that would include relevant spectrum and license information accessible by the public. Given that radio spectrum is a public good, we are obligated to provide the public more clarity and accountability on how it is being utilized by both federal and non-federal licensees. It should be noted that this bill does make certain disclosure exceptions for spectrum being used or reserved for national security.

The ultimate goals this legislation sets the path towards achieving are to implement more efficient use of spectrum and to locate additional spectrum that could be auctioned and used for advanced communications and data services in order to meet the growing demand.

Currently, there are more than 270 million wireless subscribers in the US, and consumers used more than 2.2 trillion minutes of use from July 2007 to June 2008—that is more than 6 billion minutes of use a day! While voice communications is the foundation for wireless services, more and more subscribers are utilizing it for broadband due to new emerging wireless technologies.

More specifically, the FCC reported that from December 2005 to December 2007, mobile wireless high-speed subscribership grew nationwide by more than 1,500 percent, and added 15.6 million subscribers in the second half of 2007 alone. The report also shows that new wireless broadband subscribers accounted for 78 percent of the total growth in broadband during that same time.

So it is clear this once nascent service, which was initially thought of as a luxury, has blossomed into a tool that millions of consumers and countless businesses use on a daily basis. Increased mobility, access, and productivity are all tangible results of wireless technology. It is estimated that the productivity value of all mobile wireless services was worth $185 billion in 2005.

But with all this growth, we are seeing constraints—spectrum is already a scarce resource—there is no new spectrum to allocate, only redistribute. This problem is also compounded by issues such as Shannon's Law, which defines the maximum possible data speed that can be obtained in a data channel of a communications network. So with wireless, in order to achieve greater bandwidth speeds and capacity, more channels have to be assigned, which means more spectrum has to be allocated. Therefore, finding additional spectrum is essential to meeting the growing demands and needs of consumers and businesses alike.

Just as with the Internet, we have only scratched the surface on what the future of wireless will bring to all areas of life. That is why we must be proactive in advancing supportive spectrum policy and spectrum availability. And this begins with the first step—complete an accurate inventory of what is out there and how it is being used. Once we have that information, we can then perform the necessary analysis of where additional spectrum could be found and allocated toward broadband and advanced communications services. That is why I sincerely hope that my colleagues join Senators KERRY, NELSON, WICKER, and me in supporting this critical legislation.

By Mr. FEINGOLD:

S. 650. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing the Federal Death Penalty Abolition Act of 2009. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to Federal executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,130 executions across the country, including three at the Federal level. During that same time period, 130 people on death row have been exonerated and released from death row. Consider those numbers: 1,130 executions and 130 exonerations in the modern death penalty era. Had those exonerations not taken place, had those 130 people been executed, those executions would have represented an error rate of nearly eleven percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced this bill, 54 death row inmates have been exonerated throughout the country.

In the face of these numbers, the national debate on the death penalty has intensified. The country experienced a nationwide moratorium on executions from September 2007 to May 2008 while the U.S. Supreme Court considered whether the lethal injection method of execution complied with the Constitution. From 2004 to 2007 the number of executions and the number of death sentences imposed decreased as more and more voices joined to express doubt about the use of capital punishment in America. The voices of those questioning the fairness of the death penalty have been heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the United States Supreme Court. The American public understands that the death penalty raises serious and complex issues. In fact, for the first time, a May 2006 Gallup poll reported that more Americans prefer a sentence of life without parole over the death penalty when given a choice. The same poll indicates that 63 percent of Americans think that within the past 5 years an innocent person has been executed. And a 2008 Gallop shows a 5 percent drop in support for the death penalty from October 2007 to October 2008. If anything, the consensus is that it is time for a change. We must not ignore these voices.

The United States Supreme Court also has limited the constitutionally permissible scope of the death penalty in recent years. In 2008 the Court held in Kennedy vs. Louisiana that with respect to ''crimes against individuals the death penalty should not be expanded to instances where the victim's life was not taken.'' This decision is consistent with other recent cases in which the U.S. Supreme Court has held that the execution of juvenile offenders and the mentally retarded is unconstitutional.

On the state level, there have been some encouraging developments. Most significantly, just last night, Governor Bill Richardson of New Mexico signed legislation into law that repeals the death penalty in his state. I commend Governor Richardson for his leadership and courage in signing this bill. Governor Richardson issued a statement after he signed the bill that gets to the heart of this issue. His statement read, in part:

> The sad truth is the wrong person can still be convicted in this day and age, and in cases where that conviction carries with it the ultimate sanction, we must have ultimate confidence I would say certitude that the system is without flaw or prejudice. Unfortunately, this is demonstrably not the case . . .

Last year New Jersey to legislatively repealed its death penalty statute after a state commission reported that the death penalty ''is inconsistent with evolving standards of decency'' and recommended abolition. In New York, the death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. While Kansas and New Hampshire still technically have the death penalty on their books, they have not executed anyone since 1976.

Other States have created commissions that have identified serious problems with their capital punishment systems. In Maryland, a 23-member commission tasked with studying all

aspects of the State's capital punishment system voted on November 12, 2008, to recommend abolition of the State's death penalty. The Commission cited as reasons the possibility that an innocent person could be mistakenly executed, as well as geographical and racial disparities in its application. The chair of the commission, a former United States Attorney General, stated simply, ''It's haphazard in how it's applied, and that's terribly unfair.''

This past June, the California Commission on the Fair Administration of Justice completed its review of the California capital punishment system. It found, unanimously and not surprisingly, that the death penalty system in California is broken and in need of repair. North Carolina and Tennessee are also in the midst of studies of their respective death penalty systems.

Of course the state that started it all was Illinois, where on January 31, 2000, then-Governor George Ryan took the historic step of placing a moratorium on executions and creating an independent, blue ribbon commission to review the State's death penalty system. That commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform. The commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003. Illinois has not executed anyone since.

In addition, in 2007, the American Bar Association issued a series of reports on the fairness and accuracy of capital punishment systems in eight states, and concluded there were serious problems in every state it reviewed.

So while detailed reviews have not been conducted in every state, the studies that have been done have revealed major problems. And these problems whether they be racial disparities, inconsistent application of the death penalty, inadequate indigent defense, or other shortcomings cannot be brushed aside as atypical or as revealing state-specific anomalies in an otherwise perfect system. Years of study have shown that the death penalty does little to deter crime, and that defendants' likelihood of being sentenced to death depends heavily on illegitimate factors such as whether they are rich or poor.

Racial disparities also have been documented again and again. Since reinstatement of the modern death penalty, 80 percent of murder victims in cases where death sentences were handed down were white, even though only 50 percent of murder victims are white. Nationwide, more than half of death row inmates nationwide are African Americans or Hispanic Americans. Since 1976, cases that had a white defendant and a black victim have resulted in 15 executions; in cases involving a black defendant and a white victim, there have been 229 executions.

There is also evidence that seeking capital punishment comes at great monetary cost to taxpayers. The Urban Institute in Maryland examined 162 capital cases that were prosecuted between 1978 and 1999. It found that seeking the death penalty in those cases cost $186 million more than what those cases would have cost had the death penalty not been sought. In California, according to the California Commission on the Fair Administration of Justice, ''the additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is $90,000 per year per inmate. With California's current death row population of 670, that accounts for $63.3 million annually.'' A report in Washington state indicates that ''at the trial level, death penalty cases are estimated to generate roughly $470,000 in additional costs to the prosecution and defense over the cost of trying the same case as an aggravated murder without the death penalty and costs of $47,000 to $70,000 for court personnel.'' Similar reports detailing the extraordinary financial costs of the death penalty have been generated for States across the Nation.

There are also enormous problems with the right to counsel in death penalty cases. I held a hearing in the Constitution Subcommittee of the Senate Judiciary Committee last year to examine the State of capital defense in this country, and the results were shocking. The witnesses provided sobering testimony about over-worked and under-paid court-appointed lawyers in capital cases, and the lack of investigative and other resources available to them. Just to take a couple of specific examples, Bryan Stevenson of the Equal Justice Initiative testified that in Alabama, 60 percent of people on death row were defended by lawyers appointed by courts who, by statute, could not be paid more than $1,000 for their out of court time to prepare the case for trial. In Texas, hundreds of death row inmates are awaiting execution after being represented by lawyers who could not receive more then $500 for experts or mitigation evidence. Across the country there are hundreds of death row inmates whose lawyers had their compensation capped at levels that make effective assistance impossible.

We also heard more about the American Bar Association State Assessment Project, which found that ineffective defense representation was a serious problem in each of the eight states that the ABA reviewed—and is a major reason why the ABA continues to advocate for a moratorium on capital punishment.

The Federal death penalty, too, has had its share of problems. Capital punishment at the Federal level was reinstated in 1988 in a Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. It was then expanded significantly in 1994, when an omnibus crime bill expanded its use to a total of some 60 Federal offenses. Despite my best efforts to halt the expansion of the Federal death penalty, more and more provisions have been added over the years. Three individuals have now been executed under the Federal system, and there are 55 inmates on Federal death row.

In 2007, I held a hearing on oversight of the Federal death penalty the first such oversight hearing in the Senate Judiciary Committee in 6 years. Once again, the results were disturbing. The hearing focused on a range of issues, including the lack of information the Justice Department maintains about the application and cost of the death penalty, the lack of transparency in the DOJ decision-making process, concerns about the politicization of the federal death penalty, and the continuing problem of racial disparities in the Federal system.

I was alarmed to learn at the hearing that the Department of Justice from 2001 to 2006 kept virtually no statistics about its implementation of the Federal death penalty. Prior to the hearing, I requested basic statistics for that time period, such as the rate at which the Attorney General overruled U.S. Attorney recommendations not to seek the death penalty, and the race of defendants and victims in Federal capital cases. Before I asked for this information, the Department had not tracked it. Further, the DOJ does not track the monetary costs of the Federal death penalty in any way at all.

We are still lacking basic information about racial disparities in the application of the Federal death penalty. After putting off for years a National Institute of Justice study report ordered by Attorney General Reno at the end of the Clinton Administration to examine this question, DOJ finally released a RAND study in 2006. But the long anticipated report did not address the root question about the application of the Federal death penalty; it did not study the decision-making process for bringing defendants into the Federal system in the first place. Of course, this study only covers 1995–2000. So we still have very little information about racial disparities from 2001 forward.

I was particularly concerned about information the hearing uncovered about the Attorney General overrule rates. In the Federal system, the Attorney General makes the final decision whether to seek the death penalty in federal cases. Between 2001 and 2006, the Attorney General overruled local U.S. Attorney recommendations not to seek the death penalty in *one out of every three* Federal capital cases. This number is substantially higher than the 16 percent of recommendations not to seek death that were overruled by

Attorney General Reno from 1995 to 2000. Not only was the Bush administration far more willing to overrule local U.S. Attorney recommendations, but when it did so, the Government was less likely to actually obtain a death sentence in the case. The Government secured a death sentence in 33 percent of cases where the Attorney General approved a U.S. Attorney recommendation to seek death, but in only 20 percent of cases where the Attorney General overruled the U.S. Attorney recommendation not to seek death.

And at least one U.S. Attorney who objected when his recommendation not to seek death was overruled by Main Justice learned the hard way that dissent was not acceptable. Former U.S. Attorney Paul Charlton, who testified at the hearing I chaired, was fired at least in part because he had the audacity to ask to speak with the Attorney General directly after the Attorney General ordered him to pursue the death penalty in a case where he had recommended against seeking the death penalty.

There is every reason to be optimistic that the new administration will take the significant problems in our federal death penalty system much more seriously. But while we examine the flaws in our death penalty system at both the State and Federal level, we cannot help but note that any use of the death penalty in the United States stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 123 countries that have done so. In 2007, only China, Iran, Saudi Arabia and Pakistan executed more people than we did in the United States. These countries, and others on the list of nations that actively use capital punishment, are countries that we often criticize for human rights abuses. The European Union denies membership to nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. Moreover, the United Nations General Assembly adopted a resolution on December 18, 2007, calling for a worldwide moratorium on the death penalty.

We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We should hold our own system of justice to the highest standard.

As a matter of justice, this is an issue that transcends political allegiances. A range of prominent voices in our country is raising serious questions about the death penalty, and these are not just voices of liberals, or of the faith community. They are the voices of former FBI Director William Sessions, former Supreme Court Justice Sandra Day O'Connor, Reverend Pat Robertson, commentator George Will, former Mississippi warden Donald Cabana, and former Baltimore City police officer Michael May. And notably, the editorial boards of the Chicago Tribune and the Dallas Morning News each finally came out in opposition to the death penalty in 2007. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

As we begin a new year and a new Congress, I believe the continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is ineffective. The adage ''two wrongs do not make a right'' applies here in the most fundamental way. It is time to abolish the death penalty as we seek to spread peace and justice both here and overseas. And it is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people and the world requires that we take this step. Our Nation's goal to remain the world's leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation by enacting this legislation to do away with the Federal death penalty. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us together reject violence and restore fairness and integrity to our criminal justice system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 650

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Death Penalty Abolition Act of 2009''.

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking ''punished by death or''.

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking ''to the death penalty or''.

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking ''death or''.

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking ''punished by death or''.

(5) MURDER COMMITTED USING CHEMICAL WEAPONS.—Section 229A(a)(2) of title 18, United States Code, is amended—

(A) in the paragraph heading, by striking ''DEATH PENALTY'' and inserting ''CAUSING DEATH''; and

(B) by striking ''punished by death or''.

(6) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking '', or may be sentenced to death'';

(B) in section 242, by striking '', or may be sentenced to death'';

(C) in section 245(b), by striking '', or may be sentenced to death''; and

(D) in section 247(d)(1), by striking '', or may be sentenced to death''.

(7) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(8) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking ''or to the death penalty'';

(B) in subsection (f)(3), by striking ''subject to the death penalty, or'';

(C) in subsection (i), by striking ''or to the death penalty''; and

(D) in subsection (n), by striking ''(other than the penalty of death)''.

(9) MURDER COMMITTED BY USE OF A FIREARM OR ARMOR PIERCING AMMUNITION DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (c)(5)(B)(i), by striking ''punished by death or''; and

(B) in subsection (j)(1), by striking ''by death or''.

(10) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''death or''.

(11) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking ''by death or''.

(12) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by death or''; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting ''or'' before ''an indeterminate''; and

(ii) by striking '', or an unexecuted sentence of death''.

(13) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by sentence of death or''; and

(B) in subsection (b)(1), by striking ''or death''.

(14) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking ''death or''.

(15) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking ''death or''.

(16) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking ''the death penalty or''.

(17) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(j)(3) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(18) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(19) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking ''death or''.

(20) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(21) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992 of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (10), by striking ''or subject to death,''; and

(B) in subsection (b), in the matter following paragraph (3), by striking '', and if the offense resulted in the death of any person, the person may be sentenced to death''.

(22) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking ''death or''.

(23) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking '', or sentenced to death''.

(24) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking ''unless the death penalty is imposed,''.

(25) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking ''punished by death or''.

(26) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking ''punished by death or''.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(28) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(29) MURDER USING DEVICES OR DANGEROUS SUBSTANCES IN WATERS OF THE UNITED STATES.—Section 2282A of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(30) MURDER INVOLVING THE TRANSPORTATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR RADIOACTIVE OR NUCLEAR MATERIALS.—Section 2283 of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(31) MURDER INVOLVING THE DESTRUCTION OF VESSEL OR MARITIME FACILITY.—Section 2291(d) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(32) MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(33) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (4), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (b), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period.

(34) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking ''by death, or''.

(35) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking ''punished by death or''.

(36) MURDER INVOLVING A WAR CRIME.—Section 2441(a) of title 18, United States Code, is amended by striking '', and if death results to the victim, shall also be subject to the penalty of death''.

(37) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)) is amended—

(A) in the subsection heading, by striking ''DEATH PENALTY'' and inserting ''INTENTIONAL KILLING''; and

(B) in paragraph (1)—

(i) subparagraph (A), by striking '', or may be sentenced to death''; and

(ii) in subparagraph (B), by striking '', or may be sentenced to death''.

(38) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2)(B), by striking ''put to death or''; and

(B) in subsection (b)(1)(B), by striking ''put to death or''.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking ''punished by death or'' and all that follows before the period and inserting ''imprisoned for any term of years or for life''.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking ''shall suffer death, or''.

(c) TITLE 10.—

(1) IN GENERAL.—Section 856 of title 10 is amended by inserting before the period at the end the following: '', except that the punishment may not include death''.

(2) OFFENSES.—

(A) CONSPIRACY.—Section 881(b) of title 10, United States Code (article 81(b) of the Uniform Code of Military Justice), is amended by striking '', if death results'' and all that follows through the end and inserting ''as a court-martial or military commission may direct.''.

(B) DESERTION.—Section 885(c) of title 10, United States Code (article 85(c)), is amended by striking '', if the offense is committed in time of war'' and all that follows through the end and inserting ''as a court-martial may direct.''.

(C) ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.—Section 890 of title 10, United States Code (article 90), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(D) MUTINY OR SEDITION.—Section 894(b) of title 10, United States Code (article 94(b)), is amended by striking ''by death or such other punishment''.

(E) MISBEHAVIOR BEFORE THE ENEMY.—Section 899 of title 10, United States Code (article 99), is amended by striking ''by death or such other punishment''.

(F) SUBORDINATE COMPELLING SURRENDER.—Section 900 of title 10, United States Code (article 100), is amended by striking ''by death or such other punishment''.

(G) IMPROPER USE OF COUNTERSIGN.—Section 901 of title 10, United States Code (article 101), is amended by striking ''by death or such other punishment''.

(H) FORCING A SAFEGUARD.—Section 902 of title 10, United States Code (article 102), is amended by striking ''suffer death'' and all that follows and inserting ''be punished as a court-martial may direct.''.

(I) AIDING THE ENEMY.—Section 904 of title 10, United States Code (article 104), is amended by striking ''suffer death or such other punishment as a court-martial or military commission may direct'' and inserting ''be punished as a court-martial or military commission may direct''.

(J) SPIES.—Section 906 of title 10, United States Code (article 106), is amended by striking ''by death'' and inserting ''by imprisonment for life''.

(K) ESPIONAGE.—Section 906a of title 10, United States Code (article 106a), is amended—

(i) by striking subsections (b) and (c);

(ii) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(iii) in subsection (a)—

(I) by striking ''(1)'';

(II) by striking ''paragraph (2)'' and inserting ''subsection (b)'';

(III) by striking ''paragraph (3)'' and inserting ''subsection (c)''; and

(IV) by striking ''as a court-martial may direct,'' and all that follows and inserting ''as a court-martial may direct.'';

(iv) in subsection (b), as so redesignated—

(I) by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(v) in subsection (c), as so redesignated, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(L) IMPROPER HAZARDING OF VESSEL.—The text of section 910 of title 10, United States Code (article 110), is amended to read as follows:

''Any person subject to this chapter who willfully and wrongfully, or negligently, hazards or suffers to be hazarded any vessel of the Armed Forces shall be punished as a court-martial may direct.''.

(M) MISBEHAVIOR OF SENTINEL.—Section 913 of title 10, United States Code (article 113), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(N) MURDER.—Section 918 of title 10, United States Code (article 118), is amended by striking ''death or imprisonment for life as a court-martial may direct'' and inserting ''imprisonment for life''.

(O) DEATH OR INJURY OF AN UNBORN CHILD.—Section 919a(a) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking '', other than death,''; and

(ii) by striking paragraph (4).

(P) CRIMES TRIABLE BY MILITARY COMMISSION.—Section 950v(b) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking ''by death or such other punishment'';

(ii) in paragraph (2), by striking '', if death results'' and all that follows and inserting

''as a military commission under this chapter may direct.'';

(iii) in paragraph (7), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(iv) in paragraph (8), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(v) in paragraph (9), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(vi) in paragraph (11)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(vii) in paragraph (12)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(viii) in paragraph (13)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(ix) in paragraph (14), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(x) in paragraph (15), by striking ''by death or such other punishment'';

(xi) in paragraph (17), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xii) in paragraph (23), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiii) in paragraph (24), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiv) in paragraph (27), by striking ''by death or such other punishment''; and

(xv) in paragraph (28), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.''.

(3) JURISDICTIONAL AND PROCEDURAL MATTERS.—

(A) DISMISSED OFFICER'S RIGHT TO TRIAL BY COURT-MARTIAL.—Section 804(a) of title 10, United States Code (article 4(a) of the Uniform Code of Military Justice), is amended by striking ''or death''.

(B) COURTS-MARTIAL CLASSIFIED.—Section 816(1)(A) of title 10, United States Code (article 10(1)(A)), is amended by striking ''or, in a case in which the accused may be sentenced to a penalty of death'' and all that follows through ''(article 25a)''.

(C) JURISDICTION OF GENERAL COURTS-MARTIAL.—Section 818 of title 10, United States Code (article 18), is amended—

(i) in the first sentence by striking ''including the penalty of death when specifically authorized by this chapter'' and inserting ''except death''; and

(ii) by striking the third sentence.

(D) JURISDICTION OF SPECIAL COURTS-MARTIAL.—Section 819 of title 10, United States Code (article 19), is amended in the first sentence by striking ''for any noncapital offense'' and all that follows and inserting ''for any offense made punishable by this chapter.''.

(E) JURISDICTION OF SUMMARY COURTS-MARTIAL.—Section 820 of title 10, United States Code (article 20), is amended in the first sentence by striking ''noncapital''.

(F) NUMBER OF MEMBERS IN CAPITAL CASES.—

(i) IN GENERAL.—Section 825a of title 10, United States Code (article 25a), is repealed.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code, is amended by striking the item relating to section 825a (article 25a).

(G) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)(2) of title 10, United States Code (article 29(b)(2)), is amended by striking ''or, in a case in which the death penalty may be adjudged'' and all that follows and inserting a period.

(H) STATUTE OF LIMITATIONS.—Subsection (a) of section 843 of title 10, United States Code (article 43), is amended to read as follows:

''(a)(1) A person charged with an offense described in paragraph (2) may be tried and punished at any time without limitation.

''(2) An offense described in this paragraph is any offense as follows:

''(A) Absence without leave or missing movement in time of war.

''(B) Murder.

''(C) Rape.

''(D) A violation of section 881 of this title (article 81) that results in death to one or more of the victims.

''(E) Desertion or attempt to desert in time of war.

''(F) A violation of section 890 of this title (article 90) committed in time of war.

''(G) Attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition.

''(H) A violation of section 899 of this title (article 99).

''(I) A violation of section 900 of this title (article 100).

''(J) A violation of section 901 of this title (article 101).

''(K) A violation of section 902 of this title (article 102).

''(L) A violation of section 904 of this title (article 104).

''(M) A violation of section 906 of this title (article 106).

''(N) A violation of section 906a of this title (article 106a).

''(O) A violation of section 910 of this title (article 110) in which the person subject to this chapter willfully and wrongfully hazarded or suffered to be hazarded any vessel of the Armed Forces.

''(P) A violation of section 913 of this title (article 113) committed in time of war.''.

(I) PLEAS OF ACCUSED.—Section 845(b) of title 10, United States Code (article 45(b)), is amended—

(i) by striking the first sentence; and

(ii) by striking ''With respect to any other charge'' and inserting ''With respect to any charge''.

(J) DEPOSITIONS.—Section 849 of title 10, United States Code (article 49), is amended—

(i) in subsection (d), by striking ''in any case not capital''; and

(ii) by striking subsections (e) and (f).

(K) ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.—Section 850 of title 10, United States Code (article 50), is amended—

(i) in subsection (a), by striking ''not capital and''; and

(ii) in subsection (b), by striking ''capital cases or''.

(L) NUMBER OF VOTES REQUIRED FOR CONVICTION AND SENTENCING BY COURT-MARTIAL.—Section 852 of title 10, United States Code (article 52), is amended—

(i) in subsection (a)—

(I) by striking paragraph (1);

(II) by redesignating paragraph (2) as subsection (a); and

(III) by striking ''any other offense'' and inserting ''any offense''; and

(ii) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(M) RECORD OF TRIAL.—Section 854(c)(1)(A) of title 10, United States Code (article 54(c)(1)(A)), is amended by striking ''death,''.

(N) FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.—Section 858b(a)(2)(A) of title 10, United States Code (article 58b(a)(2)(A)), is amended by striking ''or death''.

(O) WAIVER OR WITHDRAWAL OF APPEAL.—Section 861 of title 10, United States Code (article 61), is amended—

(i) in subsection (a), by striking ''except a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death,''; and

(ii) in subsection (b), by striking ''Except in a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death, the accused'' and inserting ''The accused''.

(P) REVIEW BY COURT OF CRIMINAL APPEALS.—Section 866(b) of title 10, United States Code (article 66(b)), is amended—

(i) in the matter preceding paragraph (1), by inserting ''in which'' after ''court-martial'';

(ii) in paragraph (1), by striking ''in which the sentence, as approved, extends to death,'' and inserting ''the sentence, as approved, extends to''; and

(iii) in paragraph (2), by striking ''except in the case of a sentence extending to death,''.

(Q) REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(a) of title 10, United States Code (article 67(a)), is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(R) EXECUTION OF SENTENCE.—Section 871 of title 10, United States Code (article 71), is amended—

(i) by striking subsection (a);

(ii) by redesignating subsection (b) as subsection (a);

(iii) by striking subsection (c) and inserting the following:

''(b)(1) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to dismissal, approval under subsection (a)). A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

''(A) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

''(B) such a petition is rejected by the Court of Appeals for the Armed Forces; or

''(C) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

''(i) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

''(ii) such a petition is rejected by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(2) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a bad conduct or dishonorable discharge may

not be executed until review of the case by a judge advocate (and any action on that review) under section 864 of this title (article 64) is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under section 860 of this title (article 60) when approved by him under that section.'';

(iv) by redesignating subsection (d) as subsection (c); and

(v) in subsection (c), as so redesignated, by striking '', except a sentence of death''.

(S) GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134), is amended by striking ''crimes and offenses not capital'' and inserting ''crimes and offenses''

(T) JURISDICTION OF MILITARY COMMISSIONS.—Section 948d(d) of title 10, United States Code, is amended by striking ''including the penalty of death'' and all that follows and inserting ''except death.''.

(U) NUMBER OF MEMBERS OF MILITARY COMMISSIONS.—Subsection (a) of section 948m of title 10, United States Code, is amended to read as follows:

''(a) NUMBER OF MEMBERS.—A military commission under this chapter shall have at least 5 members.''.

(V) NUMBER OF VOTES REQUIRED FOR SENTENCING BY MILITARY COMMISSION.—Section 949m of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(ii) by striking subsection (c).

(W) APPELLATE REFERRAL FOR MILITARY COMMISSIONS.—Section 950c of title 10, United States Code, is amended—

(i) in subsection (b)(1), by striking ''except a case in which the sentence as approved under section 950b of this title extends to death,''; and

(ii) in subsection (c), by striking ''Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused'' and inserting ''The accused''.

(X) EXECUTION OF SENTENCE BY MILITARY COMMISSIONS.—

(i) IN GENERAL.—Section 950i of title 10, United States Code, is amended—

(I) in the section heading, by striking ''**; procedures for execution of sentence of death**'';

(II) by striking subsections (b) and (c);

(III) by redesignating subsection (d) as subsection (b); and

(IV) in subsection (b), as so redesignated, by striking '', except a sentence of death''.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of title 10, United States Code, is amended by striking the item relating to section 950i and inserting the following new item:

''950i. Execution of sentence.''.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(A) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

(2) OTHER PROVISIONS.—

(A) INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—Section 2516(1)(a) of title 18, United States Code, is amended by striking ''by death or''.

(B) RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS.—Chapter 207 of title 18, United States Code, is amended—

(i) in section 3142(f)(1)(B), by striking ''or death''; and

(ii) in section 3146(b)(1)(A)(i), by striking ''death, life imprisonment,'' and inserting ''life imprisonment''.

(C) VENUE IN CAPITAL CASES.—Chapter 221 of title 18, United States Code, is amended—

(i) by striking section 3235; and

(ii) in the table of sections, by striking the item relating to section 3235.

(D) PERIOD OF LIMITATIONS.—

(i) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking section 3281 and inserting the following:

''§ 3281. Offenses with no period of limitations

''An indictment may be found at any time without limitation for the following offenses:

''(1) A violation of section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) resulting in the death of any person.

''(2) A violation of section 34 of this title.

''(3) A violation of section 36(b)(2)(A) of this title.

''(4) A violation of section 37(a) of this title that results in the death of any person.

''(5) A violation of section 229A(a)(2) of this title.

''(6) A violation of section 241, 242, 245(b), or 247(a) of this title that—

''(A) results in death; or

''(B) involved kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(7) A violation of subsection (b) or (d) of section 351 of this title.

''(8) A violation of section 794(a) of this title.

''(9) A violation of subsection (d), (f), or (i) of section 844 of this title that results in the death of any person (including any public safety officer performing duties as a direct or proximate result of conduct prohibited by such subsection).

''(10) An offense punishable under subsection (c)(5)(B)(i) or (j)(1) of section 924 of this title.

''(11) An offense punishable under section 1091(b)(1) of this title.

''(12) A violation of section 1111 of this title that is murder in the first degree.

''(13) A violation of section 1118 of this title.

''(14) A violation of subsection (a) or (b) of section 1121 of this title.

''(15) A violation of section 1201(a) of this title that results in the death of any person.

''(16) A violation of section 1203(a) of this title that results in the death of any person.

''(17) An offense punishable under section 1512(a)(3) of this title that is murder (as that term is defined in section 1111 of this title).

''(18) An offense punishable under section 1716(j)(3) of this title.

''(19) A violation of subsection (b) or (d) of section 1751 of this title.

''(20) A violation of section 1958(a) of this title that results in death.

''(21) A violation of section 1959(a) of this title that is murder.

''(22) A violation of subsection (a) (except for a violation of paragraph (8), (9) or (10) of such subsection) or (b) of section 1992 of this title that results in the death of any person.

''(23) A violation of section 2113(e) of this title that results in death.

''(24) An offense punishable under section 2119(3) of this title.

''(25) An offense punishable under section 2245(a) of this title.

''(26) A violation of section 2251 of this title that results in the death of a person.

''(27) A violation of section 2280(a)(1) of this title that results in the death of any person.

''(28) A violation of section 2281(a)(1) of this title that results in the death of any person.

''(29) A violation of section 2282A(a) of this title that causes the death of any person.

''(30) A violation of section 2283(a) of this title that causes the death of any person.

''(31) An offense punishable under section 2291(d) of this title.

''(32) An offense punishable under section 2332(a)(1) of this title.

''(33) A violation of subsection (a) or (b) of section 2332a of this title that results in death.

''(34) An offense punishable under section 2332b(c)(1)(A) of this title.

''(35) A violation of section 2340A(a) of this title that results in the death of any person.

''(36) A violation of section 2381 of this title.

''(37) A violation of section 2441(a) of this title that results in the death of the victim.

''(38) A violation of section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)).

''(39) An offense punishable under subsection (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.''

(ii) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3281 and inserting the following:

''3281. Offenses with no period of limitations.''.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. WYDEN, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Ms. STABENOW, Mr. SCHUMER, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. BINGAMAN, and Ms. CANTWELL):

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes; read the first time.

Mr. BAUCUS. Mr. President, over the past week, we have heard a lot about AIG paying out $165 million in bonuses to employees of its financial products unit. This is the same company that took $170 billion in taxpayer money just to stay afloat.

The Government owns 80 percent of AIG. Yet some people in the Government say that they were not able to do anything to stop these bonuses from being paid.

The country is angry, and I am angry.

President Obama ordered Secretary Geithner to use all available legal means to recover these bonuses. But that may not be enough. We may never be able to recover these payments.

The truth is we should not have to be in this position in the first place. When

we first passed the TARP funding, Senator GRASSLEY and I fought hard to include strong provisions in the bill on executive compensation. Unfortunately, the TARP program was not run as originally intended.

Even as we discuss this issue, reports are coming out that Fannie Mae and Freddie Mac are planning on paying retention bonuses to their executives.

This type of behavior has to stop, and it has to stop now.

Companies should not be taking taxpayer money for a bailout with one hand, and then paying out big bonuses with the other. Across the country, Americans are losing their jobs. They are stretching every dollar to cover the basic costs of living. Meanwhile, executives and employees at financial institutions are receiving big bonuses—bonuses that are being paid with taxpayer dollars.

I think that almost all of us can agree that companies receiving taxpayer money should not be paying these big bonuses. Unfortunately, it seems that this type of behavior is not going stop, unless we take action. Using Congress's power to tax appears to be the best option available to us to address these excessive bonuses.

So today, I join with my colleagues Senators GRASSLEY, WYDEN, and SNOWE, as well as others, to introduce a bill to do just that.

This bill makes sure that if a large institution receives government funds, and it then wants to pay out big bonuses, then it is going to face significant tax consequences. This bill would impose a 35 percent excise tax on each of the employer and the employee. It would apply to bonuses earned or paid after January 1 of this year.

For retention bonuses, the excise tax would be imposed on the full amount of the bonus. For all other bonuses, the excise tax would be imposed on all amounts over $50,000. The bill includes regulatory safeguards that would help to prevent companies from characterizing bonus payments as salaries to avoid the taxes.

This bill would also prevent companies from just deferring these bonuses to avoid paying this excise tax. This bill would prevent taxpayers from deferring more than $1 million in a 12 month period. If a taxpayer deferred more than $1 million, then the bill would impose a 20 percent penalty and interest.

Some have concerns about the small banks that want to take Federal money through the new SBA program that the President announced. Others have concerns about the larger banks that did not take much in TARP funds. The restrictions in this bill would not apply to small banks as defined in the tax code. And the restrictions would not apply to banks that receive less than $100 million of TARP funds or other Government assistance. And if those institutions wanted to pay back their TARP funds, they would no longer be subject to these restrictions.

The way that these companies are doing business must stop. This bill would change the way that TARP recipients and recipients of other similar Government aid operate. These companies would no longer be able to pay out big bonuses or give out huge amounts of deferred compensation without facing significant tax consequences.

The country is going through difficult times. Americans are scrimping and saving just to get by. We owe it to the American taxpayer to do all that we can to ensure that banks do not use taxpayer dollars to pay out big bonuses. I urge all of my Colleagues to join me in cosponsoring this important bill.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 653. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a co-sponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating two commemorative U.S. Mint coins.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British had been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attacking frontier settlements. In response, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights''.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. After finishing with Washington, DC, the British moved to capture Baltimore, which in 1814 was a larger city.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld at dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as the Star-Spangled Banner.

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes. Dr. Beanes was released, but Key and Beanes were detained on an American flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Commemorative Coins will honor this symbol of our nation and our National Anthem. Under this Act, the U.S. Treasury would mint up to 100,000 $5 gold coins and 500,000 $1 silver coins in 2012, in coordination with the 200th Anniversary of the War of 1812. Proceeds from surcharges for the coins will be paid to the Maryland War of 1812 Bicentennial Commission, for bicentennial activities, educational outreach, and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812. I hope my colleagues will join me in supporting this measure in a fitting tribute to a seminal chapter in American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 653

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Star-Spangled Banner Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the Battle for Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William Beanes, who had been captured after the British burned Washington, D.C.

(2) The release of Dr. Beanes was secured, but Key and Beanes were held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, after the 25-hour British bombardment of Fort McHenry, Key peered through the clearing smoke to see a 42-foot by 30-foot American flag flying proudly atop the Fort.

(4) He was so inspired to see the enormous flag still flying over the Fort that he began penning a song, which he named *The Defence of Fort McHenry*, to commemorate the occasion and he included a note that it should be sung to the tune of the popular British melody *To Anacreon in Heaven*.

(5) In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the *Star-Spangled Banner*, be played at military and naval occasions.

(6) On March 3, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the *Star-Spangled Banner* as the National Anthem of the United States.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as

the ''Secretary'') shall mint and issue the following coins in commemoration of the bicentennial of the writing of the *Star-Spangled Banner*:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Baltimore that formed the basis for the *Star-Spangled Banner*.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 654. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am reintroducing an important piece of legislation that I have worked on for several years with Senator MIKULSKI from Maryland. I am pleased that she is joining me in introducing this bill today, and I look forward to working with her to get it passed.

The bill we are introducing today, the Equity and Access for Podiatric Physicians Under Medicaid Act, will ensure that Medicaid beneficiaries in all States have access to the services of top-quality podiatric physicians.

Having healthy feet and ankles is critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 23 million Americans have diabetes, which amounts to over seven percent of the total population. Diabetes is the seventh leading cause of death in this country.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that in 2004, about 71,000 people underwent an amputation of a leg, foot or toe because of complications with diabetes.

Proper care of the feet could prevent many of these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, does not mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I want to thank the Senator from Maryland for helping me reintroduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise today to join Senator BUNNING to introduce the Equity and Access for Podiatric Physicians Under Medicaid Act. I am proud to introduce this legislation that will ensure Medicaid patients have access to care provided by podiatric physicians.

This bill adds podiatric physicians to Medicaid's definition of physicians. Currently, podiatric physicians are defined as physicians under Medicare but not under Medicaid. Medicaid treats podiatric physicians as optional providers. This is a simple, commonsense bill that will treat podiatric physicians the same in Medicare and Medicaid. In this economic tsunami, with shrinking budgets and less to go around for Medicaid with more people in need, states are looking for ways to trim budgets and cut costs—one way to do that could be ending reimbursements to providers on Medicaid's ''optional list.'' That means diabetics who need foot and ankle care but cannot afford to pay out of pocket will not get preventive care from a podiatrist that literally can save life and limb.

In fact, covering podiatric physicians may be a cost-effective measure. Ensuring Medicaid patients access to podiatric physicians will save Medicaid funds in the long term. Seventy-five percent of Americans will experience some type of foot health problem during their lives and foot disease is the most common complication of diabetes leading to hospitalization. Foot care programs with regular examinations could prevent up to 85 percent of these amputations. We must focus more on prevention on our health care system, and podiatrists are important providers of this preventive care.

Podiatric physicians are the only health professionals specially trained to prevent wounds and amputations in the lower limbs in people with chronic conditions like diabetes. Conditions that can devastate feet and ankles. With obesity and diabetes reaching epidemic proportions in the U.S., the work of podiatrists is more important now than ever before. Over 23 million people in this country have diabetes, that is 8 percent of the U.S. populations. Approximately 82,000 people have diabetes-related Leg-,foot or toe amputations each year. Both the CDC and American Diabetes Association recommend that podiatric physicians are a part of the care plan for people with diabetes. Medicaid covers necessary foot and ankle services, so the program should allow podiatric physicians who provide these services to get reimbursed for them. I want Medicaid patients around the country, and the over 600,000 Medicaid patients in Maryland, to have access to these services.

I know how important the care provided by podiatric physicians can be from my own personal experience. Dr. Vince Martorana, a podiatrist practicing in Baltimore did great things for my mother. He handled everything from health maintenance to unique challenges facing my mother, who lived for many years with adult onset diabetes. My severely diabetic mother could walk on her own two feet until she passed away because of Dr. Martorana. My Uncle Tony was also a podiatric physician who practiced in Baltimore for more than 40 years. He was there helping Rosie the Riveters stay on the job during World War II. These were hardworking people who had to stand on their own two feet to make a living and Uncle Tony was going to make sure it happened.

Podiatric physicians need to be recognized for the important role they play in health care and be reimbursed for their services. This bill makes sure that happens and ensures Medicaid patients have access to essential medical and surgical foot and ankle care. The bill is strongly supported by the American Podiatric Medical Association and I urge my colleagues to cosponsor this important legislation.

By Mr. JOHNSON (for himself, Ms. STABENOW, Mr. TESTER, and Mr. THUNE):

S. 655. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

Mr. JOHNSON. Mr. President, today I introduced legislation, along with Senators STABENOW and TESTER, that establishes a first-of-its-kind program to dedicate funds to advance important state wildlife recovery and restoration programs.

For many years, Congress has authorized a portion of the fees hunters and anglers pay on fishing and hunting gear to go to the States to support hunting and fishing. This program is a success and is part of the reason why we continue to have such a strong sportsman tradition in our country.

However, a critical need has gone unmet; a need that this bill will fill. The Teaming With Wildlife Act of 2009 leverages a share of the fees that oil and gas companies pay to the Federal government for the right to drill for oil and gas on federal land, to fund programs administrated by the States to conserve the habitats of nongame species. This bill is a partnership between the States and Federal Government. Each State and territory developed a wildlife action plan that guides how the funds authorized under this act will be spent. The plans ensure that State wildlife agencies take a comprehensive approach to conservation, focusing on efforts to support nongame species that are not threatened or endangered. States will match the Federal funds, leveraging the success of these on-the-ground conservation projects.

A rich and diverse environment is important to support our strong outdoor and sportsman tradition. All species are linked together. A successful pheasant hunt or landing a trophy walleye is connected to how we enhance the habitat of many other species. Enacting the Teaming With Wildlife Act will build on the tremendously successful programs of the 20th century and move us forward in broadening how we enhance all wildlife resources.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Ms. KLOBUCHAR, and Mr. KENNEDY):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

Mr. REED. 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. 656

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Liberian Refugee Immigration Fairness Act of 2009''.

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for adjustment before April 1, 2011; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien has been convicted of—

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) 2 or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—If the Secretary of Homeland Security grants an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 2009, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision in the Immigration and Nationality Act, the Secretary of Homeland Security shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application; and

(ii) provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon the approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, and Mr. DURBIN):

S. 657. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation celebrates the fifth annual Sunshine Week—a time when open Government advocates raise their voices to renew the call for open and transparent Government. Our democracy works best when citizens know what their Government is doing. There is no more appropriate time to recommit ourselves to defending the public's right to know.

Today, I am pleased to join Senators GRASSLEY and SCHUMER to reintroduce the Sunshine in the Courtroom Act of 2009. This bipartisan bill will improve access to Federal court proceedings for members of the public who are unable to travel to the courthouse. In the information age, providing the American people access to Federal courts is possible like never before. Not all Americans are able to invest the time and money in travelling to witness public courtroom proceedings.

I commend Senator GRASSLEY for his leadership over the last decade to expand access to the courts. A bipartisan majority of the Senate Judiciary Committee voted to report this legislation in the last Congress, but further consideration stalled on the Senate floor. I hope our efforts to pass this legislation will be successful this year.

The Federal courts serve as a bulwark for the protection of individual rights and liberties, and the Supreme Court is often the final arbiter of Constitutional questions that have a profound effect on all Americans. Allowing the public greater access to Federal courts will deepen Americans' understanding of the work that goes on in the courts. As a result, Americans can be better informed about how important judicial decisions are made.

I have continually supported efforts in Congress to make our Government more transparent and accessible. During my more than 3 decades in the Senate, I have worked to make Federal agencies more open and accountable to the public through a reinvigorated Freedom of Information Act, FOIA, and last year, the first major reforms to FOIA were enacted with the passage of the Leahy-Cornyn OPEN Government Act. I have also supported efforts to make the work of Congress more open to the American people. Just this week, I introduced the OPEN FOIA Act, which would require Congress to openly and clearly state its intention to provide for statutory exemptions to FOIA in proposed legislation. The freedom of information is one of the cornerstones of our democracy. For more than 4 decades, FOIA has been among the most important Federal laws that protect the public's right to know.

The work of the Federal judiciary is also open to the public. Proceedings in Federal courtrooms around this country are open to the public, and jurists publish extensive opinions explaining the reasons for their judgments and decisions. Nevertheless, more can and must be done to increase access to the Federal courts. All 50 States currently allow some form of audio or video coverage of court proceedings, but the Federal courts lag behind. The legislation we introduce today simply extends this tradition of openness to the Federal level.

Although this bill permits presiding appellate and district court judges to allow cameras in most public Federal court proceedings, it does not require that they do so. An exception is carved out for instances where a camera would violate the due process rights of an involved party. At the same time, the bill protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. I believe these protections strike the proper balance between security needs and the protection of personal privacy, while at the same time ensuring the public will always have a right to know what their Government is doing.

Finally, the bill authorizes the Judicial conference of the U.S. to issue advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting, or televising the proceedings.

In 1994, the Judicial conference concluded that it was not the right time to permit cameras in the Federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the use of cameras in Federal civil trial and appellate courts. A majority of the Conference was concerned about the intimidating effect of cameras on some witnesses and jurors.

I understand that the Judicial conference remains opposed to cameras in the Federal courts, and I am sensitive to the conference's concerns. But this legislation grants the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

This legislation is an important step towards making the work of the Federal judiciary more widely available for public scrutiny. I hope all Senators will join us in bringing more transparency to the Federal courts.

By Mr. ALEXANDER:

S. 659. A bill to improve the teaching and learning of American histroy and civics; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, on a day in a week when there is a lot of news where people are hurting in a serious economy, I have some good news to report, and it will just take me a few minutes to do it. Our senior Senator, Mr. BYRD, Senator TED KENNEDY, who is chairman of the Committee on Health, Education, Labor and Pensions, and I introduced legislation today that will help push the teaching of U.S. history in our classrooms. The way I like to describe it is by saying this: that it will help to put the teaching of American history and civics back in its rightful place, in our classrooms, so our children can grow up learning what it means to be an American.

The legislation which we have introduced would expand summer academies for outstanding teachers, authorize new teacher programs, require States to set standards for the teaching and learning of U.S. History, and create new opportunities to compare the tests that students take on U.S. history.

Specifically, the legislation would, No. 1, authorize 100 new summer academies for outstanding students and teachers of U.S. history and align those academies with locations in our national park system, such as the John Adams' House in Massachusetts or the Independence Hall in Philadelphia. I see the pages sitting here today. They are real students of U.S. history because they live it and learn it each day they are here. I don't know what their scores are on the advanced placement tests for U.S. history, but I know one fact, which the Chair may be interested in learning: The highest scores in any high school in America on the advanced placement test for U.S. history is not from a New England prep school or a Tennessee prep school or an elite school in some rich part of America; it is from the page school of the House of Representatives. They had better scores on U.S. history than any other high school. I don't know what the Senate page scores were, so I won't compare them.

The point is—and this is an idea David McCullough, a well-known author, had: We would expand the number of presidential and congressional academies for outstanding students and teachers and have them placed in the National Park Service initiative.

Second, the bill we've introduced today would double the authorization of funding for the teaching of American history programs in local school districts, which today involve 20,000 students as a part of the No Child Left Behind Act.

Third, it would require States to develop and implement standards for student assessments in U.S. history, although there would be no Federal reporting requirement, as there is now for reading and mathematics.

Finally, it would allow States to compare history and civics student test scores in the 8th and 12th grades by establishing a 10–State pilot program expanding the National Assessment of Education Progress (NAEP), which is also called the ''Nation's Report Card.'' We have a tradition in the Senate where each of us, when we first arrive, make a maiden speech. We still call it that. Most of us pick a subject that is important to us. I made mine almost exactly 6 years ago, on March 4, 2003. The subject was something I cared about then and care about today and on which we have made some progress.

I argued, as I mentioned earlier, it was time to put the teaching of American history and civics back in its rightful place in our schools so as our children grow, they can learn what it means to be an American. On the ''Nation's Report Card,'' our worst scores for our seniors in high school are not in math or science but in U.S. history. It will be very difficult for us as a country to succeed if we don't learn where we came from.

I ask unanimous consent that the speech I made 6 years ago be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, I ask unanimous consent that if Senator BYRD and Senator KENNEDY make statements today on this legislation, as I believe they will, that our statements be put in the RECORD in about the same place, with Senator BYRD's first, then Senator KENNEDY's, and mine third.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, in the speech I made 6 years ago, I called it the American History and Civics Education Act. I suggested we create summer academies for outstanding students and teachers of American history. The idea was to create one of those academies focused on American history and civics for teachers and one for students and to see how they worked and to gradually expand them.

These presidential academies for students and teachers were modeled after the Tennessee Governors School, which I began when I was Governor of Tennessee, which still continue today, after 20 years. They are relatively inexpensive. They are 2-, 3-, or 4-week schools for students, and one for teachers. They held students in a variety of subjects, such as mathematics, science, the arts, international studies. They come together for a while and inspire one another, and then they go back to their schools and inspire their fellow students. They have been a great success in Tennessee and in other States.

Senator REID, the majority leader, was the whip at that time. He was on the floor when I made my remarks and he asked to be the prime cosponsor of the legislation, and he was. Senator KENNEDY, who has had a long interest in U.S. history, takes his family once a year to some an historical part of the United States. A couple years ago, they went into Virginia and saw where Patrick Henry made his famous speech. I kid him and say he cares so much about history because he is a part of it in such a big way. Senator KENNEDY heard about the proposal, and he went along the Democratic side and rounded up 20 cosponsors of the legislation. So, Senator KENNEDY, Senator REID and I and several Republican Senators introduced a bill. We had a hearing during which Senator BYRD testified on behalf of my proposal for summer academies. It passed the Senate and the House, and we have had those summer academies now for three summers. One of those is at the Ashland University in Ashland, OH, which has been a great success. I see the students and teachers every summer. I bring them on the Senate floor, and it has been proven that it is good for teachers and good for our country. So that is the reason we want to expand those programs. We also felt we would meet as a group—those of us who have something to do with U.S. history here—and we met with the Library of Congress and with other parts of the Federal Government and many of us are involved in helping Americans learn more about our country's history, especially young people. As part of that, we thought it would be wise to try to consolidate in one section of the Elementary and Secondary Education Act—which we call No Child Left Behind—the various programs we already have for U.S. history and then to expand those that seemed worthwhile.

That is what this legislation does. There is a great need for it. I mentioned earlier that it is our worst subject for high school, even though some of our pages seem to do pretty well. Very few students score at or above the proficient level on the American history exam conducted by the National Assessment for Education Progress. Twenty percent of fourth graders were proficient in U.S. history, 17 percent of eighth graders were proficient in U.S. history, and 12 percent of high school seniors were proficient in U.S. history.

In addition, the No Child Left Behind Act may have had the unintentional effect of reducing the focus on U.S. history, as some school districts have concentrated their efforts on reading and mathematics. Therefore, it is appropriate and necessary to improve and expand State and local efforts to increase the understanding and awareness of American history and to do it, of course, in a way that doesn't preempt State and local responsibility and authority for elementary and secondary education.

Therefore, what the legislation we are doing today will do is expand the summer academies. We call them presidential academies for teachers and congressional academies for students. Those academies were created in 2004 to the number of 100 in the summer gradually over the years. The priority would be to place those academies in the National Park Service's national centennial parks initiative so the Library of Congress, the Smithsonian, and other museums that have innovative programs in U.S. history can be aligned with these academies. David McCullough, for example, suggested we have the academies at locations such as Andrew Jackson's home in Heritage. I think an even better idea would be to have a week for U.S. teachers at John Adams' home in Massachusetts, with Mr. McCullough as the teacher. That is the idea.

Secondly, we would expand the Nation's report card—we call that NAEP—so there could be a 10–State pilot program for American history and civics student assessment in grades 8 and 12. Today, our Nation's report card doesn't measure State performance in American history. It gives us a picture of how 8th to 12th graders do nationally. This would permit Colorado, Tennessee, Alaska, and California to compare the seniors and, in doing so, call attention to improvements that might need to be made.

The third thing would be to require all States to develop and implement standards and assessments in American history under the No Child Left Behind Act. But it doesn't require any Federal reporting, as we do in other subjects.

Finally, it would take Senator BYRD's program—called Teaching American History, which he put into the No Child Left Behind Act 6 years ago—and it would double the authorization for that program from $100 million to $200 million, so it can serve even more than the 20,000 teachers it serves today.

I thank David Cleary and Sarah Rittling of my staff, who have worked hard with the staffs of Senators BYRD and KENNEDY to prepare this legislation. We intend to invite all Members of the Senate, and we hope the House will join us in cosponsoring this.

Finally, I wish to tell one short story to conclude my remarks about some of the teachers who have participated. One of the things a Senator can do is to bring someone on the Senate floor who is not a Senator. It has to be done when the Senate is not in session and I have found it is a great privilege for most Americans. Early one morning last summer, I brought onto the Senate floor the 50 teachers who had been selected—one from each State—for the presidential academy for outstanding teachers of American history. I showed them Daniel Webster's desk right here, and I showed them Jefferson Davis's desk, which is back there, and where the sword mark is where when the Union soldier came in and started chopping the desk, and the soldier who was stopped by a commander who said, ''We came to save the Union, not destroy it.'' I showed them where the majority and minority leaders speak. They saw ''E Pluribus Unum'' up there, and ''In God We Trust'' back there. They learned that we operate by unanimous consent, and we talked about what it would be like to actually try to operate a classroom by unanimous consent, much less the Senate.

As you might expect, they asked a lot of good questions, being outstanding history teachers. I especially remember the final question. I believe it was from the teacher from Oregon who asked: Senator, what would you like for us to take back to our students? I said that what I hope you will take back is that I get up every day, and I believe most of us on either side get up hoping that by the end of the day, we will have done something to make our country look better. It may not look that way on television or read that way in the newspaper because we are sent here to debate great issues. That produces conflict and disagreement a lot of the time. I feel, and I believe all of us feel, we are in a very special place, in a very special country, with a very special tradition. We would like for the students to know that and to know that is how we feel about the job we have.

I am delighted today that Senators BYRD and KENNEDY, who have contributed so much to U.S. history over the years, both in their own personalities and by legislation they have introduced, have joined me in this effort to expand the Federal programs that focus on putting U.S. history and civics in a little higher place in the classroom so that our students learn what it means to be an American.

I invite my colleagues to join us, and I invite all Americans to join us in their communities, in their schools and in their States, to make that a priority.

EXHIBIT 1

REMARKS OF SEN. ALEXANDER—AMERICAN HISTORY AND CIVICS EDUCATION ACT INTRODUCTION

Mr. President, from the Senate's earliest days, new members have observed as we just heard a ritual of remaining silent during floor debates for a period of time that ranged from several weeks to two years. By waiting a respectful amount of time before giving their so-called ''maiden speeches,'' freshman senators hoped their senior colleagues would respect them for their humility.

This information comes from the Senate historian, Richard Baker, who told me that in 1906, the former Governor of Wisconsin, Robert LaFollette, arrived here ''anything but humble'' (and I'm sensitive to this as a former governor). He waited just three months, a brief period by the standards of those days, before launching his first major address. He spoke for eight hours over three days; his remarks in the Congressional Record consumed 148 pages. As he began to speak, most of the senators present in the chamber pointedly rose from their desks and departed. LaFollete's wife, observing from the gallery, wrote, ''There was no mistaking that this was a polite form of hazing.''

From our first day here, as the majority leader said, we new members of this 108th Congress have been encouraged to speak up, and most of us have. But, with the encouragement of the majority leader, several of us intend also to revive the tradition of the maiden address by making a signature speech on an issue that is important both to the country and to each of us. I want to thank my colleagues who are here, and I want to assure all of you that I will not speak for three days—as former Governor LaFollette did.

Mr. President, I rise to address the intersection of two urgent concerns that will determine our country's future. These are also the two topics I care about the most: the education of our children and the principles that unite us as Americans.

It is time that we put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Especially during such serious times when our values and way of life are being attacked, we need to understand clearly just what those values are.

In this, most Americans would agree. For example, in Thanksgiving remarks in 2001, President Bush praised our nation's response to September 11. ''I call it,'' he said, ''the American character.'' At about the same time, while speaking at Harvard, former Vice-President Al Gore said, ''We should [fight] for the values that bind us together as a country.''

Both men were invoking a creed of ideas and values in which most Americans believe. ''It has been our fate as a nation,'' the historian Richard Hofstadter wrote, ''not to have ideologies but to be one.'' This value based identity has inspired both patriotism and division at home, as well as emulation and hatred abroad. For terrorists, as well as for those who admire America, at issue is the United States itself—not what we do, but who we are.

Yet our children do not know what makes America exceptional. National exams show that three-quarters of the nation's 4th, 8th and 12th graders are not proficient in civics knowledge and one-third does not even have basic knowledge, making them ''civic illiterates.''

Children are not learning about American history and civics because they are not being taught it. American history has been watered down, and civics is too often dropped from the curriculum entirely.

Until the 1960s, civics education, which teaches the duties of citizenship, was a regular part of the high school curriculum, but today's college graduates probably have less civics knowledge than high school graduates of 50 years ago. Reforms, so-called, in the '60s and '70s resulted in the widespread elimination of required classes and curriculum in civics education. Today, more than half the states have no requirement for students to take a course—even for one semester—in American government.

To help put the teaching of American history and civics in its rightful place, today I introduce legislation along with several distinguished co-sponsors including: Senators Reid, Gregg, Santorum, Inhofe and Nickles. We call it the ''American History and Civics Act.'' This act creates Presidential Academies for Teachers of American History and Civics and Congressional Academies for Students of American History and Civics. These residential academies would operate for two weeks (in the case of teachers) and four weeks (for students) during the summer.

Their purpose would be to inspire better teaching and more learning of the key events, persons and ideas that shape the institutions and democratic heritage of the United States.

I have had some experience with such residential summer academies, when I was Governor of Tennessee. In 1984, we began creating Governor's schools for students and teachers. For example, there was the Governor's School for the Arts at Middle Tennessee State University and the Governor's School of International Studies at the University of Memphis as well as the Governor's School for Teachers of Writing at the University of Tennessee at Knoxville, which was especially successful. Eventually there were eight Governor's Schools helping thousands of Tennessee teachers improve their skills and inspiring outstanding students to learn more about core curriculum subjects. When these teachers and students returned to their schools for the next school year, they brought with them a new enthusiasm for teaching and learning that infected their peers. Dollar for dollar, the Governor's Schools were one of the most effective and popular educational initiatives in our state's history.

States other than Tennessee have had similar success with summer residential academies. The first Governor's school was started in North Carolina in 1963 when Governor Terry Sanford established it at Salem College in Winston-Salem. Upon the establishment of the first school, several states, including Georgia, South Carolina, Arkansas, Kentucky, and Tennessee established similar schools.

For example, in 1973 Pennsylvania established Governor's Schools of Excellence, which has 14 different programs of study. As in Tennessee, students participating in the Pennsylvania Governor's School program attend academies at 8 different colleges to

study everything from international studies, to health care and teaching. Also established in 1973, Virginia's Governor's School is a summer residential program for 7500 of the Commonwealth's most gifted students. Mississippi established its Governor's School in 1981. The Mississippi University for Women hosts the program, which is designed to give students academic, creative, and leadership experiences. Every year West Virginia brings 80 of its most talented high school performing and visual arts students to West Liberty State College for a three-week residential program.

These are just a few of the more than 100 Governors' schools in 28 states—clearly the model is a good one. The legislation I propose today applies that successful model to American history and civics education at the national level by establishing Presidential and Congressional academies for students and teachers of those subjects.

Additionally, this proposed legislation authorizes the creation of a national alliance of American history and civics teachers who would be connected by the internet. The alliance would facilitate sharing of best practices in the teaching of American history and civics. It is modeled after an alliance I helped the National Geographic Society begin during the 1980's to put geography back into the American school curriculum. Tennessee and the University of Tennessee were among the first sponsors of the alliance.

This legislation creates a pilot program. Up to 12 Presidential academies for teachers and 12 Congressional Academies for students would be sponsored by educational institutions. The National Endowment for the Humanities would award 2–year renewable grants to those institutions after a peer review process. Each grant would be subject to rigorous review after three years to determine whether the overall program should continue, expand or end. The legislation authorizes $25 million annually for the four year pilot program.

There is a broad basis of renewed support for and interest in American history and civics in our country.

David Gordon noted in a recent issue of the Harvard Education Letter: ''A 1998 survey by the nonpartisan research organization Public Agenda showed that 84 percent of parents with school-aged children said they believe that the United States is a special country and they want schools to convey that belief to their children by teaching about its heroes and traditions. Similar numbers identified the American ideal as including equal opportunity, individual freedom, and tolerance and respect for others. Those findings were consistent across racial and ethnic groups.''

Our national leadership has responded to this renewed interest. In 2000, at the initiative of my distinguished colleague Senator Byrd, Congress created grants for schools that teach American history as a separate subject within school curricula. We appropriated $100 million for those grants in the recent Omnibus appropriations bill, and rightfully so. They encourage schools and teachers to focus on the teaching of traditional American history, and provide important financial support.

Last September, with historian David McCullough at his side, President Bush announced a new initiative to encourage the teaching of American history and civics. He established the ''We the People'' program at the NEH, which will develop curricula and sponsor lectures on American history and civics. He announced the ''Our Documents'' project, run by the National Archives. This would take one hundred of America's most important documents from the National Archives to classrooms and communities across the country. This year, he will convene a White House forum on American history, civics, and service. There, we will discuss new policies to improve the teaching of history and civics in elementary and secondary schools.

This proposed legislation takes the next step by training teachers and encouraging outstanding students. We need to foster a love of this subject and arm teachers with the skills to impart that love to their students.

I am pleased that today one of the leading members of the House of Representatives, Roger Wicker of Mississippi, along with a number of his colleagues, are introducing the same legislation in the House.

I want to thank Senator Gregg, Chairman of the Committee on Health, Education, Labor and Pensions, who has agreed that the committee will hold hearings on this legislation so that we can determine how it might supplement and work with recently enacted legislation and the President's various initiatives.

Mr. President, in 1988, at a meeting of educators in Rochester, the President of Notre Dame University, Monk Malloy, asked this question: ''What is the rationale for the public school?'' There was an unexpected silence around the room until Al Shanker, the president of the American Federation of Teachers, answered in this way: ''The public school was created to teach immigrant children the three R's and what it means to be an American with the hope that they would then go home and teach their parents.''

From the founding of America, we have always understood how important it is for citizens to understand the principles that unite us as a country. Other countries are united by their ethnicity. If you move to Japan for example, you can't become Japanese. Americans, on the other hand, are united by a few things in which we believe. To become an American citizen, you subscribe to those principles. If there were no agreement on those principles, as Samuel Huntington has noted, we would be the United Nations instead of the United States of America.

There has therefore been a continuous education process to remind Americans just what those principles are. Thomas Jefferson, in his retirement at Monticello, would spend evenings explaining to overnight guests what he had in mind when he helped create what we call America. By the mid-19th century it was just assumed that everybody knew what it meant to be an American. In his letter from the Alamo, Col. William Barrett Travis pleaded for help simply ''in the name of liberty, patriotism and everything dear to the American character.''

There were new waves of immigration in the late 19th century that brought to our country a record number of new people from other lands whose view of what it means to be an American was indistinct—and Americans responded by teaching them. In Wisconsin, for example, the Kohler Company actually housed German immigrants together so that they might be ''Americanized'' during non-working hours.

But the most important Americanizing institution, as Mr. Shanker reminded us in Rochester in 1988, was the new common school. McGuffey's Reader, which was used in many classrooms, sold more than 120 million copies introducing a common culture of literature, patriotic speeches and historical references.

In the 20th century it was war that made Americans stop and think about what we were defending. President Roosevelt made certain that those who charged the beaches of Normandy knew they were defending for freedoms.

But after World War II, the emphasis on teaching and defining the principles that unite us has waned. Unpleasant experiences with McCarthyism in the 1950's, discouragement after the Vietnam War, and history books that left out or distorted the history of African-Americans made some skittish about discussing ''Americanism.'' The end of the Cold War removed a preoccupation with who we were not, making it less important to consider who we are. The Immigration law changes in 1965 brought to our shores many new Americans and many cultural changes. As a result, the American Way became much more often praised than defined.

Changes in community attitudes, as they always are, were reflected in our schools. According to historian Diane Ravitch, the public school virtually abandoned its role as the chief Americanizing Institution. We have gone, she explains, from one extreme (simplistic patriotism and incomplete history) to the other—''public schools with an adversary culture that emphasize the nation's warts and diminish its genuine accomplishments. There is no literary canon. There are no common readings, no agreed upon lists of books, poems and stories from which students and parents might be taught a common culture and be reminded of what it means to be an American.''

During this time many of our national leaders contributed to this drift toward agnostic Americanism. These leaders celebrated multiculturalism and bilingualism and diversity at a time when there should have been more emphasis on a common culture and learning English and unity.

America's variety and diversity is a great strength, but it is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. America's greatest accomplishment is not its variety and diversity but that we have found a way to take all that variety and diversity and unite ourselves as one country. E pluribus unum: out of many, one. That is what makes America truly exceptional.

Since 9/11 the national conversation about what it means to be an American has been different. The terrorists focused their crosshairs on the creed that unites Americans as one country—forcing us to remind ourselves of those principles, to examine and define them, and to celebrate them. The President himself has been the lead teacher. President Bush has literally taken us back to school on what it means to be an American. When he took the country to church on television after the attacks he reminded us that no country is more religious than we are. When he walked across the street to the mosque he reminded the world that we separate church and state and that there is freedom here to believe in whatever one wants to believe. When he attacked and defeated the Taliban, he honored life. When we put planes back in the air and opened financial markets and began going to football games again we celebrated liberty. The President called on us to make those magnificent images of courage and charity and leadership and selflessness more permanent in our every day lives through Freedom Corps. And with his optimism, he warded off doomsayers who tried to diminish the real gift of Americans to civilization, our cockeyed optimism that anything is possible.

Just after 9/11, I proposed an idea I called ''Pledge Plus Three.'' Why not start each school day with the Pledge of Allegiance—as we do here in the Senate—followed by a faculty member or student sharing for three minutes ''what it means to be an American.'' The Pledge embodies many of the ideals of our National Creed: ''one nation, under God, indivisible, with liberty and justice for all.'' It speaks to our unity, to our faith, to our

value of freedom, and to our belief in the fair treatment of all Americans. If more future federal judges took more classes in American history and civics and learned more about those values, we might have fewer mind-boggling decisions like the one issued recently by the Ninth Circuit.

Before I was elected to the Senate, I taught some of our future judges and legislators a course at Harvard's John F. Kennedy School of Government entitled ''The American Character and America's Government.'' The purpose of the course was to help policy makers, civil servants and journalists analyze the American creed and character and apply it in the solving of public policy problems. We tried to figure out, if you will, what would be ''the American way'' to solve a given problem.

The students and I did not have much trouble deciding that America is truly exceptional (not always better, but truly exceptional) or in identifying the major principles of the American Creed or the distinct characteristics of our country. Such principles as: liberty, equal opportunity, rule of law, laissez faire, individualism, e pluribus unum, the separation of church and state.

But what we also found as we find in this body was that applying those principles to today's issues was hard work. This was because the principles of the creed often conflicted. For example, when discussing President Bush's faith-based charity legislation, we know that ''In God We Trust'' but we also know that we don't trust government with God.

When considering whether the federal government should pay for scholarships which middle and low income families might use at any accredited school—public, private or religious—we find that the principle of equal opportunity conflicted with the separation of church and state.

And we find there are great disappointments when we try to live up to our greatest dreams, for example, President Kennedy's pledge that we will ''pay any price or bear any burden'' to defend freedom, or Thomas Jefferson's assertion that ''all men are created equal,'' or the American dream that for anyone who works hard, tomorrow will always be better than today. We are often disappointed when we try to live up to those dreams.

We learned that, as Samuel Huntington has written, balancing these conflicts and disappointments is what most of American politics and government is about.

Mr. President, if most of our politics and government is about applying to our most urgent problems the principles and characteristics that make us the exceptional United States of America, then we had better get about the teaching and learning of those principles and characteristics.

The legislation I propose today with several co-sponsors will help our schools do what they were established to do in the first place. At a time when there are record numbers of new Americans, and at a time when our values are under attack, at a time when we are considering going to war to defend those values, there can be no more urgent task than putting the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

By Mr. HATCH (for himself and Mr. DODD):

S. 660. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce the National Pain Care Policy Act of 2009. I am pleased to have worked with my good friend, Senator CHRIS DODD, on this legislation that will create a comprehensive framework for addressing coordinated research, public education and training in pain and pain management. I also want to acknowledge the work of my colleagues in the House, Representatives LOIS CAPPS and MIKE ROGERS, for their efforts in that body to highlight this important health issue.

According to the Centers for Disease Control and Prevention, CDC, more than 25 percent of Americans over age 20 report having suffered pain. Of the older people reporting pain, more than half say their pain lasted for an entire year or longer. But many older people do not report their pain because they believe nothing can be done or they are unaware that effective treatments may exist.

Health care professionals are often not adequately trained to manage their patients' pain. They may be unfamiliar with the latest research and guidelines, or they might hesitate to prescribe medication for pain management due to concerns about dosing or dependency. A widely acknowledged barrier to patient care includes misconceptions and concerns by health care providers regarding laws and policies on the use of controlled substances. Some patients do not tell their doctors they are experiencing pain because they do not want to bother them or appear to be a complainer.

The National Pain Care Act of 2009 will help researchers, patients and health care providers better understand and manage pain care. It will coordinate federal research activities by establishing an Interagency Pain Coordinating Committee. The legislation also authorizes funds for pain research at the National Institutes of Health, NIH, and requires a report to Congress on the progress made in this area. The Coordinating Committee will summarize in their report the advances in pain care research supported or conducted by federal agencies and identify the research gaps that, if filled, could shed light on the symptoms and causes of pain.

The bill will establish a public awareness campaign highlighting pain as a serious public health issue. The campaign will provide messages to the public on the need to appropriately assess, diagnose, treat and manage pain, and will alert the public to available treatments options for pain care management. It will also help patients weigh the risks and benefits of these options so that they may make better informed decisions with their health care providers.

The National Pain Care Policy Act of 2009 also creates greater training capacity in health-professions schools, hospices and other health care professional training facilities. This training will ensure that more health professionals have the capacity to manage their patients' pain using the most recent findings and improvements in the provision of pain care. Health professionals in a variety of settings will learn better means for assessing, diagnosing, treating and managing pain signs and symptoms and, as a result, will become more knowledgeable about applicable policies on the use of controlled substances.

This bill contains provisions that will help the many Americans who suffer from joint pain, one of the most common types of pain reported. One-third of adults reported joint pain, aching or stiffness, according to a CDC report on the nation's health. It will also reduce hospitalization costs that are associated with hip and knee replacements that may be unnecessary if the underlying pain can be adequately controlled.

Finally, the National Pain Care Act of 2009 will also help migraine sufferers, cancer patients and those experiencing lower back pain. Cancer patients should not have to spend their final days in pain. Lower back pain is the most common cause of job-related disability and relieving that complaint could increase worker productivity and alleviate many lost days of work.

This is an important piece of legislation; it is one that, if passed, will improve the lives of many. Quite frankly, I believe it is long overdue. Similar legislation was introduced last year in both chambers of Congress—the House passed its legislation late in the year, but, unfortunately, the Senate did not consider the bill before the 110th Congress adjourned. The legislation we introduce today is identical to that which the House passed last year. I thank Senator DODD for his leadership on this important issue and I urge my colleagues to support the prompt passage of our bill.

Mr. DODD. Mr. President, I rise today to join my colleague from Utah, Senator ORRIN HATCH, in introducing the National Pain Care Policy Act of 2009. This important legislation would make significant strides in the understanding and treatment of pain as a medical condition. Pain is the most common symptom leading to medical care and a leading health issue. Yet people suffering through pain often struggle to get relief because of a variety of issues. This is why we are introducing this important legislation.

Each year pain results in more than 50 million lost workdays estimated to cost the United States $100 billion. Beyond the economic impact, pain is a leading cause of disability, with back pain alone causing chronic disability in 1 percent of the population of this country. In the U.S. 40 million people suffer from arthritis, more than 26 million, ages 20 to 64, experience frequent back pain, more than 25 million experience migraine headaches, and 20 million have jaw and lower facial pain each year. It is estimated that 70 percent of cancer patients have significant pain as they fight the disease. Half of all patients in hospitals suffer through

moderate to severe pain in their last days. As with many medical conditions, this is a problem that is likely to become worse as the baby boom generation approaches retirement and the population ages.

Sadly, though most pain can be relieved, it often is not. Many suffering patients are reluctant to tell their medical provider about the pain they are experiencing, for fear of being identified as a ''bad patient,'' and concern about addiction often leads patients to avoid seeking or using medications to treat their pain. But even if patients were more forthcoming about their condition, few medical providers are equipped to do something about it. Often they have not been trained in assessment techniques or pain management, and are unaware of the latest research, guidelines, and standards for treatment. There is also concern among most providers that prescribing treatment for pain will lead to greater scrutiny by regulatory agencies and insurers.

But we can do something about these barriers and help individuals suffering from pain. The National Pain Care Policy Act would lead to improvements in pain care across the country. The legislation would call for an Institute of Medicine conference on pain care to increase awareness of this issue as a public health problem, identify barriers to pain care and determine action for overcoming those barriers. A number of years ago, my good friend Sen. HATCH helped establish a Pain Consortium at the National Institutes of Health to establish a coordinated pain research agenda. This legislation will codify that consortium and update its mission. The bill addresses the training and education of health care professionals through new grant programs at the Agency for Health Research and Quality, AHRQ, and the Health Resources and Services Administration, HRSA. And finally this legislation creates a national outreach and awareness campaign at the Department of Health and Human Services to educate patients, families, and caregivers about the significance of pain and the importance of treatment.

I want to thank Senator HATCH for his leadership on this issue and urge my colleagues to join us on this important effort to help the millions of Americans suffering from severe pain.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BAYH, Mr. BROWN, and Mr. PRYOR):

S. 661. A bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill, with Senators SUSAN COLLINS, DEBBIE STABENOW, OLYMPIA SNOWE, EVAN BAYH, SHERROD BROWN, and MARK PRYOR that would enable the retooling and transformation of our industrial sector by using less energy, reducing greenhouse gas emissions, and producing the technologies that will help the U.S. and the world break its dependence on fossil fuel.

Today our country is facing some of the toughest economic hurdles that many of us have ever seen. In our manufacturing sector, we have lost nearly a million, high quality jobs in the last year, with over 200,000 jobs lost in just the last month. These are not just jobs that we are losing—the industrial foundation upon which our Nation's wealth has been built is eroding. We are losing technical expertise and the skilled and inventive workforce that go with these jobs. We are losing the opportunity to grow our economy and the ability to compete on a global scale.

With this current economic downturn, and the energy, climate, and global competitiveness challenges lying before us, we have come to a critical juncture in our Nation's industrial history—we must make a choice as to what the future of manufacturing will be for this country. At this moment, while the rest of the world is at a pause, this nation has the opportunity to re-invent and transform our industrial base to compete globally through technical innovation and product superiority, all while, reducing our dependence on carbon-based fuels, reducing greenhouse gas emissions, and increasing productivity.

The Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009 establishes the financing mechanisms for both small and large manufactures to adopt the advanced energy efficient production technologies and processes that will allow them to be more productive and less fuel dependent, cutting costs, not jobs.

Second, this bill provides for public/private partnerships with industry to map out the future of advanced American manufacturing and to develop and deploy the breakthrough technologies that will take us there. By spurring innovation in our manufacturing sector to decrease energy intensity and environmental impacts, while increasing productivity, we can create the high tech, high-value manufacturing processes and jobs for the 21st century that will allow the U.S. to compete against anyone, anywhere.

Third, this legislation supports the domestic production of advanced energy technologies to fuel the growth of renewables and efficiency and capture the clean energy market, creating millions of American jobs.

These steps, combined with the manufacturing tax credit that I included in the American Reinvestment and Recovery Act, a national renewable portfolio standard, and the President's commitment to doubling renewable energy production in just 3 years will serve as a strong base and commitment on which to build the New American Manufacturing. I look forward to the impact that this legislation will have on increasing our industrial competitiveness and hope that we can incorporate additional ideas as the legislative process proceeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 661

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009''.

SEC. 2. INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in the section heading, by inserting ''**AND INDUSTRY**'' before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

''(h) INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

''(A) reduce systems energy intensity, including the use of energy intensive feedstocks; and

''(B) improve the industrial competitiveness of the United States.

''(2) ELIGIBLE LENDERS.—To be eligible to receive a grant under this subsection, a lender shall—

''(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

''(B) lead a partnership that includes participation by, at a minimum—

''(i) a State government agency; and

''(ii) a private financial institution or other provider of loan capital;

''(C) submit an application to the Secretary, and receive the approval of the Secretary, for a grant to carry out a loan program described in paragraph (1); and

''(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

''(3) PRIORITY.—In making grants under this subsection, the Secretary shall provide a priority to partnerships that include a power producer or distributor.

''(4) AWARD.—The amount of a grant provided to an eligible lender shall not exceed $100,000,000 for any fiscal year.

''(5) ELIGIBLE PROJECTS.—A program for which a grant is provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes that—

''(A) improve energy efficiency;

''(B) enhance the industrial competitiveness of the United States; and

''(C) achieve such other goals as the Secretary determines to be appropriate.

''(6) EVALUATION.—The Secretary shall evaluate applications for grants under this subsection on the basis of—

''(A) the description of the program to be carried out with the grant;

''(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

''(C) program sustainability over a 10-year period;

''(D) the capability of the applicant;

''(E) the quantity of energy savings or energy feedstock minimization;

''(F) the advancement of the goal under this Act of 25-percent energy avoidance;

''(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

''(H) such other factors as the Secretary determines appropriate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2010 through 2012.''.

SEC. 3. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy, including the Building Technologies Program, the Office of Electricity Delivery and Energy Reliability, and programs of the Office of Science—

(1) to leverage the research and development expertise of those programs to promote early stage energy efficiency technology development; and

(2) to apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

SEC. 4. ENERGY EFFICIENT TECHNOLOGIES ASSESSMENT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall commence an assessment of commercially available, cost competitive energy efficiency technologies that are not widely implemented within the United States for the energy intensive industries of—

(1) steel;

(2) aluminum;

(3) forest and paper products;

(4) food processing;

(5) metal casting;

(6) glass;

(7) chemicals; and

(8) other industries that (as determined by the Secretary)—

(A) use large quantities of energy;

(B) emit large quantities of greenhouse gas; or

(C) use a rapidly increasing quantity of energy.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report, based on the assessment conducted under subsection (a), that contains—

(1) a detailed inventory describing the cost, energy, and greenhouse gas emission savings of each technology described in subsection (a);

(2) for each technology, the total cost, energy, and greenhouse gas emissions savings if the technology is implemented throughout the industry of the United States;

(3) for each industry, an assessment of total possible cost, energy, and greenhouse gas emissions savings possible if state-of-the art, cost-competitive, commercial energy efficiency technologies were adopted; and

(4) for each industry, a comparison to the European Union, Japan, and other appropriate countries of energy efficiency technology adoption rates, as determined by the Secretary.

SEC. 5. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended by striking the section heading and inserting the following: ''future of industry program''.

(b) INDUSTRY-SPECIFIC ROAD MAPS.—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) research to establish (through the Industrial Technologies Program and in collaboration with energy-intensive industries) a road map process under which—

''(i) industry-specific studies are conducted to determine the intensity of energy use, greenhouse gas emissions, and waste and operating costs, by process and subprocess;

''(ii) near-, mid-, and long-term targets of opportunity are established for synergistic improvements in efficiency, sustainability, and resilience; and

''(iii) public/private actionable plans are created to achieve roadmap goals; and''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) CENTERS OF EXCELLENCE.—

''(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

''(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than $500,000 for fiscal year 2010 and each fiscal year thereafter, as determined by the Secretary.

''(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1).

''(4) COORDINATION.—

''(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Science and Technology;

''(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(iv) identify opportunities for reducing greenhouse gas emissions; and

''(v) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(5) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities; and

''(iii) the efforts of other centers in the region of the center of excellence.

''(6) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with industries and manufactures to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(C) FUNDING.—Subject to the availability of appropriations of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2010 and each fiscal year thereafter.

''(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) for loans to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

(d) FUTURE OF INDUSTRY PROGRAM.—Section 452(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''$196,000,000'' and inserting ''$216,000,000'';

(B) in subparagraph (D), by striking ''$202,000,000'' and inserting ''$232,000,000''; and

(C) in subparagraph (E), by striking ''$208,000,000'' and inserting ''$248,000,000''; and

(2) by adding at the end the following:

''(4) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Of the amounts made available under paragraph (1), the Secretary shall use to provide funding to industrial research and assessment centers under subsection (e) not less than—

''(A) $20,000,000 for fiscal year 2010;

''(B) $30,000,000 for fiscal year 2011; and

''(C) $40,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

SEC. 6. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

"SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary shall conduct onsite technical reviews and followup implementation—

''(1) to maximize the energy efficiency of systems;

''(2) to identify and reduce harmful emissions and hazardous waste;

''(3) to identify and reduce the use of water in manufacturing processes;

''(4) to identify material substitutes that are not harmful to the environment; and

''(5) to achieve such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with—

''(1) the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology; and

''(2) the Administrator of the Environmental Protection Agency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to conduct research and development of new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of systems, reduce pollution, and conserve natural resources.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

SEC. 7. INNOVATION IN INDUSTRY GRANTS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

''(g) INNOVATION IN INDUSTRY GRANTS.—

''(1) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to pay the Federal share of competitively awarding grants to State-industry partnerships in accordance with this subsection to develop, demonstrate, and commercialize new technologies or processes for industries that significantly—

''(A) reduce energy use and energy intensive feedstocks;

''(B) reduce pollution and greenhouse gas emissions;

''(C) reduce industrial waste; and

''(D) improve domestic industrial cost competitiveness.

''(2) ADMINISTRATION.—

''(A) APPLICATIONS.—A State-industry partnership seeking a grant under this subsection shall submit to the Secretary an application for a grant to carry out a project to demonstrate an innovative energy efficiency technology or process described in paragraph (1).

''(B) COST SHARING.—To be eligible to receive a grant under this subsection, a State-industry partnership shall agree to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out the project.

''(C) GRANT.—The Secretary shall provide to a State-industry partnership selected under this subsection a 1-time grant of not more than $500,000 to initiate the project.

''(3) ELIGIBLE PROJECTS.—A project for which a grant is received under this subsection shall be designed to demonstrate successful—

''(A) industrial applications of energy efficient technologies or processes that reduce costs to industry and prevent pollution and greenhouse gas releases; or

''(B) energy efficiency improvements in material inputs, processes, or waste streams to enhance the industrial competitiveness of the United States.

''(4) EVALUATION.—The Secretary shall evaluate applications for grants under this subsection on the basis of—

''(A) the description of the concept;

''(B) cost-efficiency;

''(C) the capability of the applicant;

''(D) the quantity of energy savings;

''(E) the commercialization or marketing plan; and

''(F) such other factors as the Secretary determines to be appropriate.''.

SEC. 8. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on the leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 9. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary of Energy shall establish an advisory steering committee to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. CONRAD (for himself, Ms. COLLINS, Mr. WYDEN, Mr. SCHUMER, Mr. KERRY, Ms. KLOBUCHAR, and Mrs. BOXER):

S. 662. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Midwifery Care Access and Reimbursement Equity, M–CARE, Act of 2009 with my colleague, Senator COLLINS. For too many years, certified nurse midwives, CNMs, have not received adequate reimbursement under the Medicare program. Our legislation takes steps to improve reimbursement and ensure access to these important providers.

There are approximately three million disabled women of child-bearing age on Medicare, and since 1988, midwives have been providing high-quality, low cost maternity services to these women. However, given outdated payment policies, CNMs are only reimbursed at 65 percent of the physician fee schedule. This makes it impossible to make a practice sustainable and is threatening access to CNMs across the country.

The Medicare Payment Advisory Commission, MedPAC, agrees. In a 2002 report, MedPAC recommended that CNMs' reimbursement be increased and acknowledged that the care provided by these individuals is comparable to similar providers.

That is why we are introducing legislation that would provide payment equity for CNMs by reimbursing them at 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level. In fact, a majority of the states reimburse CNMs at 100 percent of the physician fee schedule for out-of-hospital services provided to Medicaid beneficiaries. The time has come to extend this policy to Medicare.

In addition, the M–CARE Act would establish recognition for a certified midwife to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. Our bill would change this.

A variety of national organizations have expressed their support for this legislation in the past. I am pleased to say that the National Rural Health Association, the National Perinatal Association, the American College of Obstetricians and Gynecologists, along with several nursing organizations, have endorsed this legislation.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities. I urge my colleagues to support this legislation and end this inequity once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 79—HONORING THE LIFE OF PAUL M. WEYRICH AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. INHOFE (for himself, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. MARTINEZ, Mr. RISCH, Mr. HATCH, Mr. ENZI, and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas Paul M. Weyrich was born and raised in Racine, Wisconsin and became enamored with the political system as a student at the University of Wisconsin-Madison;

Whereas after a short stint as a news reporter, Mr. Weyrich came to Congress in 1966 to serve on the staffs of Senators Gordon L. Allott of Colorado and Carl T. Curtis of Nebraska, handling press relations and other assignments;

Whereas as the original President of the Heritage Foundation, Mr. Weyrich established a respectable and reasoned conservative voice in public policy and political debates in the United States;

Whereas as a pioneer of the modern conservative movement, Mr. Weyrich stood as a vocal defender of economic and religious freedom and established the Free Congress Research and Education Foundation to rally conservatives to the defense of traditional Judeo-Christian values;

Whereas Mr. Weyrich died on December 18, 2008;

Whereas Mr. Weyrich was a true visionary in outreach efforts, launching a television network, training grassroots activists, and influencing both politics and policy; and

Whereas Mr. Weyrich's perseverance in the promotion of his philosophy inspired thousands of people of the United States to dedicate themselves to causes that protect liberty and secure the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses gratitude to Paul M. Weyrich for his significant contributions to the conservative movement and for promoting a capitalist, democratic vision for the world;

(2) expresses profound sorrow at the death of Mr. Weyrich; and

(3) conveys its condolences to the family, friends, and colleagues of Mr. Weyrich.

SENATE RESOLUTION 80—DESIGNATING THE WEEK BEGINNING MARCH 15, 2009, AS ''NATIONAL SAFE PLACE WEEK''

Mrs. FEINSTEIN (for herself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 80

Whereas the young people of the United States will bear the bright torch of democracy in the future;

Whereas young people need a safe haven from negative influences, such as child abuse, substance abuse, and crime;

Whereas young people need resources that are readily available to assist them when they are faced with circumstances that compromise their safety;

Whereas the United States needs more community volunteers to act as positive influences on the young people of the United States;

Whereas the Safe Place program is committed to protecting the young people of the United States, the most valuable asset of the Nation, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relating to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk young people;

Whereas more than 1,400 communities in 37 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 young people have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the young people received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter abuse or neglect and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the young people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 15, 2009, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer for, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 11—CONDEMNING ALL FORMS OF ANTI-SEMITISM AND REAFFIRMING THE SUPPORT OF CONGRESS FOR THE MANDATE OF THE SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. CARDIN, Ms. SNOWE, Mr. RISCH, Ms. MIKULSKI, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BINGAMAN, Mr. SCHUMER, Mr. SANDERS, Mr. BAYH, Mr. BENNETT, Mr. CASEY, Ms. LANDRIEU, Mr. KYL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SHELBY, Mrs. MURRAY, Mr. BARRASSO, Ms. MURKOWSKI, Mr. ROBERTS, Mr. BROWN, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. CANTWELL, Mr. ALEXANDER, Mr. WICKER, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. MCCONNELL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORKER, and Mr. BURR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 11

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas, in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108–332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas, since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas, among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, Counsel Representatif des Institutions Juives de France, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas, interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a ''Holocaust'' against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas, in some countries, demonstrations have included chants of ''death to Israel,'' expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he ''utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings,'' and assured ''that these acts would not go unpunished,'' Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its ''horror as a wave of anti-Semitic incidents has affected the Jewish community'';

Whereas, despite these actions, too few government leaders in Europe, the Middle

East, and Latin America have taken action against the anti-Semitic environments in their countries and in some cases have even promoted violence;

Whereas other leaders have made hostile pronouncements against Israel and Jews, including the President of Venezuela, Hugo Chavez, who called Israel's actions a ''Holocaust against the Palestinian people'' and singled out Venezuela's Jewish community, demanding that they publicly renounce Israel's ''barbaric acts'' and in so doing implying that the Jewish community is co-responsible for any actions by the Government of Israel and thus a legitimate target, the leader of Hamas, Mahmoud al-Zahar, who recently called for Jewish children to be attacked around the world, and the Supreme Leader of Iran, Ayatollah Ali Khameini, who vowed to confer the status of ''martyr'' on ''anyone who dies in this holy struggle against World Zionism'';

Whereas incitement to violence against Jews also continues in state-run media, particularly in the Middle East, where government-owned, government-sanctioned, or government-controlled publishing houses publish newspapers which promulgate anti-Jewish stereotypes and the myth of the Jewish blood libels in editorial cartoons and articles, produce and broadcast anti-Semitic dramatic and documentary series, and produce Arabic translations of anti-Semitic tracts such as ''The Protocols of the Elders of Zion'' and ''Mein Kampf'';

Whereas Jewish communities face an environment in which the convergence of anti-Semitic sentiment and demonization of Israel in the public debate have fostered a hostile environment and a sense of global insecurity, especially in places such as Belgium, Argentina, Venezuela, Spain, and South Africa;

Whereas, in response, the United States Government and other governments and multilateral institutions have supported international government and civil society efforts to monitor and report on anti-Semitic activities and introduce preventive initiatives such as tolerance education and Holocaust Remembrance; and

Whereas challenges still remain, with the governments of many countries failing to implement and fund preventive efforts, accurately track and report anti-Semitic crimes, and prosecute offenders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) unequivocally condemns all forms of anti-Semitism and rejects attempts to rationalize anti-Jewish hatred or attacks as a justifiable expression of disaffection or frustration over political events in the Middle East or elsewhere;

(2) decries the comparison of Jews to Nazis perpetrating a Holocaust or genocide as a pernicious form of anti-Semitism, an insult to the memory of those who perished in the Holocaust, and an affront both to those who survived and the righteous gentiles who saved Jewish lives at peril to their own and who fought to defeat the Nazis;

(3) calls on leaders to speak out against manifestations of anti-Semitism that have entered the public debate about the Middle East;

(4) applauds those foreign leaders who have condemned anti-Semitic acts and calls on those who have yet to take firm action against anti-Semitism in their countries to do so;

(5) reaffirms its support for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism; and

(6) urges the Secretary of State—

(A) to maintain the fight against anti-Semitism as a foreign policy priority of the Untied States and to convey the concerns of the United States Government in bilateral meetings;

(B) to continue to raise with United States allies in the Middle East their failure to halt incitement to violence against Jews, including through the use of government-run media;

(C) to urge governments to promote tolerance education and establish mechanisms to monitor, investigate, and punish anti-Semitic crimes, including through utilization of the education, law enforcement training, and civil society capacity building initiatives of the Tolerance and Non-discrimination Department of the Organization for Security and Cooperation in Europe (OSCE);

(D) to swiftly appoint the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State;

(E) to ensure that Department of State Annual Country Reports on Human Rights and International Religious Freedom Reports continue to report on incidents of anti-Semitism and the efforts of foreign governments to address the problem;

(F) to provide necessary training and tools for United States embassies and missions to recognize these trends; and

(G) to ensure that initiatives of the United States Government to train law enforcement abroad incorporate tools to address anti-Semitism.

Ms. COLLINS. Mr. President, I rise today to introduce a bipartisan resolution condemning the recent, troubling rise in anti-Semitism across the globe. The resolution also calls upon world leaders to speak out against anti-Semitic acts and reaffirms that the United States is committed to making the fight against anti-Semitism a top foreign policy priority.

I am very pleased that Senator CARDIN and 40 other Senate colleagues have joined me in saying to the world that we stand tall with the Jewish community against these acts of violence and crimes of hate.

In recent months, there has been a substantial rise in anti-Semitic violence around the globe. We are deeply concerned about the safety and well-being of Jews in Europe, the Middle East, and Latin America, where they have faced a significant increase in anti-Semitic attacks, often very violent. These criminal acts include physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorials. In some nations, demonstrations have included chants of ''death to Israel'' and expressions of support for suicide terrorism against Israeli or Jewish civilians.

Also distressing are the blatantly anti-Semitic Nazi imagery and Holocaust comparisons. Our resolution rejects attempts to rationalize Jewish hatred or attacks as justifiable expression of disaffection or frustration over Israeli policy and political events in the Middle East or elsewhere. The Nazi imagery and Holocaust comparisons have been prevalent at demonstrations throughout the world. Placards held at many demonstrations have compared Israeli leaders to Nazis, accused Israel of carrying out a ''Holocaust'' against the Palestinians, and equated the Jewish Star of David to the Nazi swastika. This is intolerable. We must speak out against these unacceptable acts of hatred and bigotry.

While we applaud those world leaders who have shown courage by condemning these acts, we call on those who have yet to do so to expressly reject anti-Semitism in their own countries. We must continue to impress upon our allies the critical importance of opposing these disturbing trends, all the while ensuring that our own initiatives to address these forms of hate violence are bolstered.

I urge our colleagues to join our effort to raise awareness of this important issue.

Mr. CARDIN. Mr. President, I am deeply troubled by the rise in anti-Semitic acts around the globe, which is why I am joining the junior Senator from Maine in introducing a bipartisan resolution that condemns anti-Semitism and calls upon world leaders to speak out against it. The concurrent resolution reaffirms that the U.S. is committed to making the fight against anti-Semitism a top foreign policy priority.

Senator COLLINS, the other co-sponsors of this resolution, and I are extremely concerned about the safety and well-being of Jewish communities worldwide. In recent weeks and months, Jewish communities around the world have been subjected to vicious anti-Semitic attacks. These attacks include acts of violence and hatred against members of the Jewish community. The criminal acts include physical attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorials.

In some nations, demonstrations have included chants of ''death to Israel'' and expressions of support for suicide terrorism against Israeli or Jewish civilians. Placards held at many demonstrations have compared Israeli leaders to Nazis, accused Israel of carrying out a ''Holocaust'' against Palestinians, and equated the Jewish Star of David to the Nazi swastika. Anti-Semitism is not a legitimate form of policy or public protest. We cannot, in good conscience, allow these acts of hatred to continue without swift and strong action from world leaders. We must speak out against these atrocities.

We applaud those world leaders who have spoken out against these acts, but call on those who have yet to do so to take firm action against anti-Semitism in their own countries. We must continue to impress upon our allies and other nations the critical importance of combating anti-Semitism. At the same time, the United States must bolster its own initiatives to address anti-Semitism as a foreign policy priority. The resolution we are introducing today helps to do that so I urge all of my colleagues to support it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 686. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish

a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

TEXT OF AMENDMENTS

SA 686. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

Amend the title so as to read: ''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.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 26, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The Committee will conduct a legislative hearing on legislation to strengthen American manufacturing through improved industrial energy efficiency.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224–3607 or Rachel Pastemack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 19, 2009 at 10:30 a.m. to conduct a hearing entitled ''Modernizing Bank Supervision and Regulation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation by authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 19, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct an executive business meeting on Thursday, March 19, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10 a.m. to conduct a hearing entitled, ''Perspectives From Main Street on Small Business Lending''.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL INSTITUTIONS SUBCOMMITTEE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 19, 2009 at 2 p.m. to conduct a financial institutions subcommittee hearing entitled ''Current Issues in Deposit Insurance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 19, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, what happens in Las Vegas stays in Las Vegas.

NATIONAL SERVICE REAUTHORIZATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to proceed to Calendar No. 35, H.R. 1388, the National Service Reauthorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 35, H.R. 1388, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 35, H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Tom Harkin, Daniel K. Akaka, Tom Udall, Patty Murray, Patrick J. Leahy, Bernard Sanders, Sheldon Whitehouse, Christopher J. Dodd, Jon Tester, Mark R. Warner, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Kent Conrad.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, March 23 at 6 p.m.; and that if cloture is invoked, then postcloture time count as if cloture had been invoked at 3 p.m. that day; further, that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 25, 26, and nominations on the Secretary's desk; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere.

IN THE COAST GUARD

PN116 COAST GUARD nominations (2) beginning KENT P. BAUER, and ending MARK S. MACKEY, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN117 COAST GUARD nominations (2) beginning CORINNA M. FLEISCHMANN, and ending KELLY C. SEALS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURES READ THE FIRST TIME—H.R. 1586 AND S. 651

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a first reading. I therefore ask for their reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The bill clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

A bill (S. 651) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

NATIONAL SAFE PLACE WEEK

Mr. REID. I ask unanimous consent that we now proceed to S. Res. 80.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 80) designating the week beginning March 15, 2009, as ''National Safe Place Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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 statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 80) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 80

Whereas the young people of the United States will bear the bright torch of democracy in the future;

Whereas young people need a safe haven from negative influences, such as child abuse, substance abuse, and crime;

Whereas young people need resources that are readily available to assist them when they are faced with circumstances that compromise their safety;

Whereas the United States needs more community volunteers to act as positive influences on the young people of the United States;

Whereas the Safe Place program is committed to protecting the young people of the United States, the most valuable asset of the Nation, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relating to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk young people;

Whereas more than 1,400 communities in 37 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 young people have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the young people received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter abuse or neglect and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the young people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 15, 2009, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer for, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 111th Congress: the Honorable E. BENJAMIN NELSON of Nebraska.

The Chair, on behalf of the republican leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 111th Congress: the Honorable JUDD GREGG of New Hampshire.

The Chair, on behalf of the republican leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: Dr. Wiley Dobbs of Idaho.

The Chair, on behalf of the republican leader, pursuant to Public Law 111–5, appoints the following individual to the Health Information Technology Policy Committee: Richard Chapman of Kentucky.

ORDERS FOR MONDAY, MARCH 23, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m, Monday, March 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each during that time; upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 1388, a bill to reauthorize and reform national service laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as provided under the previous order, there will be a vote at 6 p.m. on Monday. That will be on the motion to invoke cloture on the motion to proceed to H.R. 1388.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following remarks of Senator CHAMBLISS and Senator SESSIONS, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

THE BUDGET

Mr. CHAMBLISS. Mr. President, I rise today to talk about the budget as proposed by President Obama and, to put it very bluntly, I am worried. While several aspects of the budget concern me, the one I find most troubling is the direction in which it will take this Nation's deficit. The budget's cost has been pointed out many times on this floor during the past week—$3.5 trillion is, indeed, a lot of money. But what I would also emphasize is that the President's budget will spawn a deficit of $1.17 trillion next year.

There are many items on the President's wish list. Some are worthwhile, but many, such as his health care plan, tax increases, and climate change, deserve a long and lively debate in front of the American people before we have any vote on any of those measures. I have four grandchildren—John, Parker, Kimbro, and Anderson—and I am very proud of all four of them. This budget will spend more money than my four grandchildren's generation will ever have a hope of paying back in their lifetimes.

This is not a temporary spike in the deficit. Despite the President's stated intention to reduce the deficit, the smallest deficit envisioned by this budget—$533 billion in the year 2013—would still be larger than any of the annual budget deficits of the last 8 years. The last 8 years have received a lot of criticism from folks on the other side of the aisle, including our President, but the fact is that the last 8 years are going to pale in comparison, from a deficit standpoint, in the event this budget should pass.

Further, the debt held by the public doubles, from $5.8 trillion, 41 percent of our GDP, in 2008, to $11.5 trillion, or 66 percent of GDP, in 2013. If that were not astounding enough, by 2019 debt will have tripled from the 2008 to $15.4 trillion, or an astonishing 67 percent of our GDP.

Unfortunately, that is not the worst of it. The CBO is expected to release its numbers for this budget tomorrow. Early reports suggest that its deficit forecast will be some 20 percent higher than the White House has expected with the numbers to which I just alluded.

I am also worried about this budget's $1.4 trillion tax increase, which will hit our small businesses, the engines of our economy, particularly hard. More than half of small business, with 20 or more employees, will get hit with tax hikes proposed in this budget. That will have a dampening effect on the ability of the small business community to maintain the jobs it has today, much less to think about hiring additional employees.

In my home State of Georgia, fully 98 percent of the State's employers in 2006 were small businesses, according to the U.S. Small Business Administration Office of Advocacy. With a record statewide unemployment rate of 9 percent today, to say that many of them are having a hard time is an understatement. These are small businesses, such as Dixie Industrial Finishing Company in Tucker, GA, which does electroplating. Dixie's vice president, Jim Jones, is also worried. His company has been in business for nearly 50 years and has about 10 employees. Just in the past 2 weeks, because of the very difficult economic times we are in, Jim has had to lay off almost 10 percent of his workforce. Some of these employees have been with the company for 20 to 25 years and were getting close to retirement. I am afraid that, coming during a recession, such tax increases will only add to the financial strain at Dixie as well as other small businesses and further feed the growing job losses in Georgia and elsewhere.

I am a firm believer in the optimism that birthed this great Nation. But no matter how hard we try, we cannot wish the deficit away. We cannot let ourselves throw caution to the wind and act with such fiscal irresponsibility. We are leaving our children and grandchildren in hock forever to pay for the wants of today. Now, not in 5 years or 10 years, is the time for us to exercise responsibility and enact some spending restraint to get this deficit under control. Nothing less than our country's future depends on it.

The American people understand our fiscal problem. The phone calls into my office are overwhelmingly asking the question: Where in the world is this administration taking our country? What is happening to our country from a fiscally responsible standpoint? In what direction is this country really going?

We have to be much more fiscally responsible than the President has proposed in his budget. Very simply stated, his budget spends too much, it taxes too much, and it borrows too much. That is the wrong direction in which this country needs to be going in difficult times or in good times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AIG

Mr. SESSIONS. I thank Senator CHAMBLISS from Georgia for his very fine summary. I think one of the more dramatic situations in which this Congress has found itself, in the face of a projected positive turnaround in the economy, a predicted unprecedented debt for years and years to come.

This cannot go quietly. It is a big deal. We have never seen anything like this before. I hope our Senate colleagues will focus on it. I wanted to first return again to the AIG bonus issue and expand a little bit on the remarks I made earlier in the week.

The simple fact is, we are investing a very large amount of not only money but time, energy, and bombast in how to deal with the one one-thousandth of the AIG bailout money that has gone to bonuses. I think they are utterly unacceptable. They are going to the very division of AIG that got them into trouble. They were the last people who ought to get bonuses.

Now, normally politicians who have a nation to run, Cabinet Secretaries who have an economy to manage, should not be spending a whole lot of time on a private company's bonus plan. But it has become necessary, unavoidable really, because our Government owns 80 percent of this company. We own 80 percent of the stock in AIG after investing $173 billion to buy that stock. So no wonder people are furious.

If you are running a company, Secretary Geithner, how come we are having bonuses given to people who ought not to be receiving bonuses?

Well, it is a difficult thing with the CEO. Why didn't he do something about it? The CEO, Chairman Liddy of AIG, was put in place by us—first, by Secretary Paulson back when he first started this misguided attempt last fall to take over this company, and he has been kept in place by Secretary Geithner, our new Secretary of the Treasury.

I would also note that Secretary Geithner was walking hand in hand with Secretary Paulson last fall when they conjured up this scheme that sought to alter the financial problems on Wall Street. In reality, Secretary Geithner is the ultimate chairman of the board of AIG. He ultimately is responsible for bonuses, pay scales, office space, whether or not they have airplanes, and all of that stuff. So, oh, what a tangled web we create when we first start to regulate, to take over a private company.

Mr. Geithner needs to get AIG and these banks—in addition to AIG—we have invested in, of which we now own large stock shares, off his portfolio, his list of things to be dealing with. He needs to be focused on the policies necessary to revive this economy.

Did anybody see Coach K from Duke? He was asked about the President saying they were going to make it to the Final Four. And Coach K did not miss a beat. He just looked up and said: Well, that is nice. But I would really feel better if he were focusing on the economy.

So would I. Distracted by these noteworthy and transient issues over bonuses, Mr. Geithner, who stands at the center of our people's concern over the economy, has not even begun assembling his staff. It is really troubling. I understand there are about 17 vacancies in his top staff. People are basically saying he is running the office himself with very little help.

But he did find time to call Mr. Liddy, the hand-picked CEO at AIG, to demand that he not give bonus payments. He found time to go over to Europe to present—a mortifying spectacle to me, of the once-proud U.S. Secretary of Treasury now urging the big-spending, quasi-socialist Government of Europe to increase their spending, to increase their stimulus package, to increase their debt, and assuring them we are going to do more and we are leading, big government, big taxes, big spending, big debt.

That does not make me proud. Some people may think that is leadership. I am not in that range. That is not my mindset today. Basically, it appeared the Europeans said no. They already thought they had spent enough. They are well below what we are spending as a percentage of their gross domestic product. They are not spending any more.

I remember when I first came here as a young Senator. It came my time to question the Chairman of the Federal

Reserve, Mr. Alan Greenspan. I was nervous about it. I am not an economist. So I read to him from an article. I asked him if he agreed with it. It basically said the reason our economy was growing more than Europe, the reason we had quite substantially less unemployment was because we had less taxes, less spending, and less regulation.

So I asked him: Is it less taxes, less spending, and a greater commitment to the free market the reason we are doing better than Europe?

He looked up at me and he said: I absolutely agree with that.

So I have taken that as sort of my marching orders. I still think that is a sound philosophy: to keep our regulations low, keep our taxes low, keep our spending as low as possible. Do not waste money, and we will get through a lot of these difficult issues.

I would also note that I assume that Secretary Geithner at least had some role in this phenomenal, gargantuan proposal the President has just sent over here to us that proposes—get this—budget deficits higher than anything we have ever seen before.

Last year, President Bush, his budget deficit was a record $455 billion, and he was criticized for that. He was criticized for a $412 billion budget deficit back on 9/11, the time when that recession hit us. He reduced it to $161 billion in 2007, and it jumped to $455 billion last year.

This year, with the stimulus package and other things we are doing, the projected deficit—as of September 30—will be $1.8 trillion. Next year, it will be $1.1 trillion. It is projected to reach its lowest point in 4 years, according to the President's own plan. The lowest point is at $533 billion, well above the highest amount in the history of the Republic.

In year 10, it would be over $700 billion. As Senator CHAMBLISS just noted to us, those figures are not accurate. Our own Congressional Budget Office is going to calculate the assumptions given to us by the White House, and everybody is pretty firmly convinced the numbers are going to come in higher and worse than that.

It cannot be so that we will pass a budget that assumes a $700 billion deficit 10 years from now, when they are also assuming a nice growth, not a recession or anything, but a nice growth at that time. Well, that is a general situation. It is not good. I just cannot believe this Congress would pass such a budget. I believe we will have to push back.

I know a lot of my colleagues on the other side of the aisle are uneasy about it. The more they learn about it, I am confident the more uneasy they are going to be. It is just fact. I mean, you can talk and testify and you can spend, but when you send out a budget in a slick binder, with a blue cover on it, and it is the official projection for the next 10 years from the President of the United States, when they project these kind of numbers, I think the Congress and the American people will rally and do something about it and not accept it.

I just wanted to say that. Now, with regard to AIG, this is a matter of great importance. In addition to teaching us a lesson about the danger of taking over private companies in general, there are some specific special problems with this bailout that I believe are worthy of discussion, and in some points, real investigation.

It was highlighted by the Wall Street Journal in their lead editorial 2 days ago. They pointed out that the bonus flap we have been talking about is a deflection from—a neat deflection—they say, from the ''larger outrage, which is the 5-month Beltway cover-up of who benefitted the most from the AIG bailout.''

First, they note that the Federal takeover of this once proud insurance company, AIG, was never approved by the AIG shareholders.

Normally a company that merges or sells or changes its corporate makeup goes through some sort of vote by stockholders. They have proxy votes, solicitations. They attempt to get approval of the stockholders. We just took it over.

The Wall Street Journal notes that, in effect, AIG was used as a conduit, a funnel to bail out others not mentioned. Since September 16, 2008, AIG has sent $120 billion of their $173 billion of taxpayer money to banks, municipal governments, and ''other derivative counterparties'' around the world, not only in the United States.

The Journal goes on to say that this includes at least $20 billion to European banks and, they wryly note, ''charity cases like Goldman Sachs which received at least $13 billion.''

They further note:

> This comes after months of claims by Goldman that all of its AIG bets were adequately hedged and that it needed no ''bailout.'' Why take the 13 billion then?

Then the Wall Street Journal, not one to needlessly dump unfairly on the Wall Street business crowd they often speak up for when they believe they are abused, declares importantly:

> This needless cover-up is one reason Americans are getting angrier as they wonder if Washington is lying to them about these bailouts.

Then they ask the most critical question. Remember, Congress was told last fall that we had to bail out the banks because they were too large to fail and that their failure would pose a systemic risk to our economy. They said they were going to buy toxic assets. They never said they were going to buy stock. They never hinted they would buy stock in an insurance company.

This is what the Wall Street Journal said about the systemic risk question:

> Given the government has never defined ''systemic risk,'' we're also starting to wonder exactly which system American taxpayers are paying to protect. It's not capitalism, in which risk-takers suffer the consequences of bad decisions and in some cases it's not even Americans. The U.S. government is now in the business of distributing foreign aid to offshore financiers, laundered through a once-great American company.

That is fundamentally true. It is not good. I don't think we ever should have started down that road.

The Wall Street Journal concludes:

> Whether or not these funds ever come back to the Treasury, regulators should now focus on getting AIG back into private hands as soon as possible, and if Treasury and the Fed want to continue bailing out foreign banks, let them make that case honestly and directly, to the American people.

I thank the Wall Street Journal for writing the truth on this complex issue. I don't like the way it was done. These decisions to hand out billions of dollars were not made in public. Until a few days ago, we didn't even know who got this money. These banks, these foreign banks, Goldman Sachs, the ones that have been listed as getting money, we didn't know their names. Our Secretaries of the Treasury, the two of them, have been passing out this money to these banks through AIG and not even saying where the money went. That is no good. And how do they decide how much to give them? Was there a hearing somewhere where people came, such as in the Senate—poor as we are at it—raised their hands under oath or, much preferred, was there something like a bankruptcy proceeding where a Federal judge calls all the people in, collects the data, figures out what the income is and the debts are, and makes people testify under oath and lawyers cross-examine them and they get down to what the real facts are and then decisions are made about how to handle a company like this?

No, apparently they went in and got down on Mr. Geithner's rug and Mr. Paulson's carpet and asked for $20 billion. And he said: How about 10?

No, I need more.

OK, you get 13.

Of course, they knew one another. That is just a fact. I am not making it up. Where did Secretary Paulson come from? He came from Goldman Sachs. I wonder what it would have looked like if he had given Goldman Sachs $13 billion publicly.

I am not happy about it. I don't think the previous administration handled it well. I am disappointed that this administration has taken Mr. Paulson's right-hand adviser—some say the architect of his plan—and put him in charge of it. He is continuing this indefensible process. I opposed it at the time. I said we are giving too much power to one man. In the history of the Republic, we have never given this kind of power to one man to pass out this kind of money. This is the Senate. It is taxpayers' money. We threw him $700 billion and said: Do whatever you think is right. He told us he was going to buy toxic mortgages. Remember that? Within a week, he decided he wasn't going to buy toxic mortgages. He bought stock; not only in banks, he bought stock in insurance companies.

It is a dangerous thing. When you get into owning these companies, people start wanting to know about what kind of bonuses they have, what kind of car the CEO drives, whether they should have a jet plane. The Secretary of the Treasury ought to be involved in other things besides managing corporate affairs. He needs to get us out of these companies as soon as possible.

I talked to some people from a very solid Main Street bank, big Main Street bank, who were pressured to take money at the time they came up with this scheme. They want to pay the money back and get out from under the Federal boot. They are not agreeing yet to do that. I am not happy about that.

I understand another bank may be the same. Others are worried about whether they will be allowed to pay this money back and get out. This bank told us, the people I was talking to: We are ready to get out. We think we will do better. Our stock will go up, if the people know we are not indebted to the government. We are strong enough. We are not happy about this.

They are getting the impression and the fear they have—along with other banks in a similar situation—is that there is a resistance from the Treasury Department to have them do that, which would be unthinkable to me.

I hope we will find out more about it. If there is wrongdoing of a more serious nature than incompetence and bad judgment, I hope it will be pursued. Hopefully not; I hope there is no more than bad judgment. I hope as Americans we learn a lesson that it is not easy and there are all kinds of unanticipated ramifications from the act of taking over private companies.

Mr. Chairman, I ask unanimous consent to have printed in the RECORD the text of this Wall Street Journal editorial, as well as the list of companies benefitting from AIG's bailout.

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

[From the Wall Street Journal, Mar. 17, 2009]

THE REAL AIG OUTRAGE

President Obama joined yesterday in the clamor of outrage at AIG for paying some $165 million in contractually obligated employee bonuses. He and the rest of the political class thus neatly deflected attention from the larger outrage, which is the five-month Beltway cover-up over who benefited most from the AIG bailout.

Taxpayers have already put up $173 billion, or more than a thousand times the amount of those bonuses, to fund the government's AIG ''rescue.'' This federal takeover, never approved by AIG shareholders, uses the firm as a conduit to bail out other institutions. After months of government stonewalling, on Sunday night AIG officially acknowledged where most of the taxpayer funds have been going.

Since September 16, AIG has sent $120 billion in cash, collateral and other payouts to banks, municipal governments and other derivative counterparties around the world. This includes at least $20 billion to European banks. The list also includes American charity cases like Goldman Sachs, which received at least $13 billion. This comes after months of claims by Goldman that all of its AIG bets were adequately hedged and that it needed no ''bailout.'' Why take $13 billion then? This needless cover-up is one reason Americans are getting angrier as they wonder if Washington is lying to them about these bailouts.

Given that the government has never defined ''systemic risk,'' we're also starting to wonder exactly which system American taxpayers are paying to protect. It's not capitalism, in which risk-takers suffer the consequences of bad decisions. And in some cases it's not even American. The U.S. government is now in the business of distributing foreign aid to offshore financiers, laundered through a once-great American company.

The politicians also prefer to talk about AIG's latest bonus payments because they deflect attention from Washington's failure to supervise AIG. The Beltway crowd has been selling the story that AIG failed because it operated in a shadowy unregulated world and cleverly exploited gaps among Washington overseers. Said President Obama yesterday, ''This is a corporation that finds itself in financial distress due to recklessness and greed.'' That's true, but Washington doesn't want you to know that various arms of government approved, enabled and encouraged AIG's disastrous bet on the U.S. housing market.

Scott Polakoff, acting director of the Office of Thrift Supervision, told the Senate Banking Committee this month that, contrary to media myth, AIG's infamous Financial Products unit did not slip through the regulatory cracks. Mr. Polakoff said that the whole of AIG, including this unit, was regulated by his agency and by a ''college'' of global bureaucrats.

But what about that supposedly rogue AIG operation in London? Wasn't that outside the reach of federal regulators? Mr. Polakoff called it ''a false statement'' to say that his agency couldn't regulate the London office.

And his agency wasn't the only federal regulator. AIG's Financial Products unit has been overseen for years by an SEC-approved monitor. And AIG didn't just make disastrous bets on housing using those infamous credit default swaps. AIG made the same stupid bets on housing using money in its securities lending program, which was heavily regulated at the state level. State, foreign and various U.S. federal regulators were all looking over AIG's shoulder and approving the bad housing bets. Americans always pay their mortgages, right? Mr. Polakoff said his agency ''should have taken an entirely different approach'' in regulating the contracts written by AIG's Financial Products unit.

That's for sure, especially after March of 2005. The housing trouble began—as most of AIG's troubles did—when the company's board buckled under pressure from then New York Attorney General Eliot Spitzer when it fired longtime CEO Hank Greenberg. Almost immediately, Fitch took away the company's triple-A credit rating, which allowed it to borrow at cheaper rates. AIG subsequently announced an earnings restatement. The restatement addressed alleged accounting sins that Mr. Spitzer trumpeted initially but later dropped from his civil complaint.

Other elements of the restatement were later reversed by AIG itself. But the damage had been done. The restatement triggered more credit ratings downgrades. Mr. Greenberg's successors seemed to understand that the game had changed, warning in a 2005 SEC filing that a lower credit rating meant the firm would likely have to post more collateral to trading counterparties. But rather than managing risks even more carefully, they went in the opposite direction. Tragically, they did what Mr. Greenberg's AIG never did—bet big on housing.

Current AIG CEO Ed Liddy was picked by the government in 2008 and didn't create the mess, and he shouldn't be blamed for honoring the firm's lawful bonus contracts. However, it is on Mr. Liddy's watch that AIG has lately been conducting a campaign to stoke fears of ''systemic risk.'' To mute Congressional objections to taxpayer cash infusions, AIG's lobbying materials suggest that taxpayers need to continue subsidizing the insurance giant to avoid economic ruin.

Among the more dubious claims is that AIG policyholders won't be able to purchase the coverage they need. The sweeteners AIG has been offering to retain customers tell a different story. Moreover, getting back to those infamous bonuses, AIG can argue that it needs to pay top dollar to survive in an ultra-competitive business, or it can argue that it offers services not otherwise available in the market, but not both.

The Washington crowd wants to focus on bonuses because it aims public anger on private actors, not the political class. But our politicians and regulators should direct some of their anger back on themselves—for kicking off AIG's demise by ousting Mr. Greenberg, for failing to supervise its bets, and then for blowing a mountain of taxpayer cash on their AIG nationalization.

Whether or not these funds ever come back to the Treasury, regulators should now focus on getting AIG back into private hands as soon as possible. And if Treasury and the Fed want to continue bailing out foreign banks, let them make that case, honestly and directly, to American taxpayers.

ATTACHMENT A—COLLATERAL POSTINGS UNDER AIGFP CDS[1]

[$ billion]

Counterparty	Amount Posted
Soiete Generale	$4.1
Deutsche Bank	2.6
Goldman Sachs	2.5
Merrill Lynch	1.8
Calyon	1.1
Barclays	0.9
UBS	0.8
DZ Bank	0.7
Wachovia	0.7
Rabobank	0.5
KFW	0.5
JPMorgan	0.4
Banco Santander	0.3
Danske	0.2
Reconstruction Finance Corp	0.2
HSBC Bank	0.2
Morgan Stanley	0.2
Bank of America	0.2
Bank of Montreal	0.2
Royal Bank of Scotland	0.2
Top 20 CDS Total	$18.3
Other	4.1
Total Collateral Postings	$22.4

[1] The collateral amounts reflected in Schedule A represent funds provided by AIG to the counterparties indicated after September 16, 2008, the date on which AIG began receiving government assistance. The counterparties received additional collateral from AIG prior to this date, and AIG's SEC report relating to ML III reflects the aggregate amount of collateral that counterparties were entitled to retain pursuant to the terms of the ML III transaction.

ATTACHMENT B—MAIDEN LANE III PAYMENTS TO AIGFP CDS COUNTERPARTIES

[$ billions]

Institution (Counterparty may differ)	Maiden Lane III Payments Made to Counterparties	Maiden Lane III Payments Made to AIGFP
Deutsche Bank	$2.8	
Landesbank Baden-Wuerttemberg	0.1	
Wachovia	0.8	
Calyon	1.2	
Rabobank	0.3	
Goldman Sachs	5.6	
Société Générale	6.9	
Merrill Lynch	3.1	
Bank of America	0.5	
The Royal Bank of Scotland	0.5	
HSBC Bank USA	[1] 0.0	
Deutsche Zentral-Genossenschaftsbank	1.0	
Dresdner Bank AG	0.4	
UBS	2.5	
Barclays	0.6	
Bank of Montreal	0.9	
Other payments to AIGFP under Shortfall Agreement		$2.5
Total	27.1	2.5

[1] Amount rounds to zero.

ATTACHMENT D—PAYMENTS TO AIG SECURITIES LENDING COUNTERPARTIES 9/18/08–12/12/08

[$ billions]

Institution	Payments to Counterparties by Institution U.S. Securities Lending
Barclays	$7.0
Deutsche Bank	6.4
BNP Paribas	4.9
Goldman Sachs	4.8
Bank of America	4.5
HSBC	3.3
Citigroup	2.3
Dresdner Kleinwort	2.2
Merrill Lynch	1.9
UBS	1.7
ING	1.5
Morgan Stanley	1.0
Societe Generale	0.9
AIG International Inc.	0.6
Credit Suisse	0.4
Paloma Securities	0.2
Citadel	0.2
Total	[1] 43.7

[1] Amounts may not total due to rounding.

Mr. SESSIONS. I yield the floor.

ADJOURNMENT UNTIL MONDAY, MARCH 23, 2009, AT 2 P.M.

The PRESIDING OFFICER. The Senate stands adjourned until 2 p.m., Monday, March 23, 2009.

Thereupon, the Senate, at 6:49 p.m., adjourned until Monday, March 23, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE CHARLES F. CONNER, RESIGNED.

DEPARTMENT OF COMMERCE

APRIL S. BOYD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE NATHANIEL F. WIENECKE, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

MICHELLE DEPASS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JUDITH ELIZABETH AYRES, RESIGNED.

DEPARTMENT OF EDUCATION

PETER CUNNINGHAM, OF ILLINOIS, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE LAUREN M. MADDOX.

DEPARTMENT OF LABOR

BRIAN VINCENT KENNEDY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE KRISTINE ANN IVERSON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JAMES K. GILMAN
BRIG. GEN. PHILIP VOLPE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. WILLIAM B. GAMBLE
COL. RICHARD W. THOMAS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 19, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. HOLDREN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF COMMERCE

JANE LUBCHENCO, OF OREGON, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ELENA KAGAN, OF MASSACHUSETTS, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KENT P. BAUER AND ENDING WITH MARK S. MACKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH CORINNA M. FLEISCHMANN AND ENDING WITH KELLY C. SEALS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.